THE

LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume IV, Part V

(3rd September to 16th September 1924)

FIRST SESSION

OF THE

SECOND LEGISLATIVE ASSEMBLY, 1924

SIMLA
GOVERNMENT OF INDIA PRESS

Legislative Assembly

The President:

THE HONOURABLE SIR FREDERICK WHYTE, KT.

Deputy President:

DIWAN BAHADUR T. RANGACHARIAR, M.L.A.

Panel of Chairmen:

COLONEL SIR HENRY STANYON, KT., C.I.E., V.D., M.L.A.
MR. M. A. JINNAH, M.L.A.
MR. K. C. NEOGY, M.L.A.
DIWAN BAHADUR M. RAMACHANDRA RAO, M.L.A.

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MR. S. C. GUPTA, BAR.-AT-LAW.
MR. G. H. SPENCE, I.C.S.

Marshal:

CAPTAIN SURAJ SINGH, BAHADUR, I.O.M.

Committee on Public Petitions:

DIWAN BAHADUR T. RANGACHARIAR, M.L.A., *Chairman of the Committee.*
COLONEL SIR HENRY STANYON, KT., C.I.E., V.D., M.L.A.
HAJI WAJIHUDDIN, M.L.A.
RAJA RAGHUNANDAN PRASAD SINGH, M.L.A.
MR. HARCHANDRAI VISHINDAS, C.I.E., M.L.A.

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LEGISLATIVE ASSEMBLY.

Wednesday, 3rd September, 1924.

The Assembly met in the Assembly Chamber at Eleven of the Clock, and the President (the Honourable Sir Alexander Frederick Whyte, Kt.) took the Chair.

Mr. President, standing, took the Oath.

MEMBERS SWORN.

The Honourable Mr. Atul Chandra Chatterjee, C.I.E. (Industries Member); Mr. Ernest Burdon, C.I.E. (Army Secretary); Mr. Alan Hubert Lloyd (Member, Central Board of Revenue); Mr. Alfred Alan Lethbridge Parsons (Financial Commissioner, Railways); Mr. George Richard Frederick Tottenham (Madras: Nominated Official); Mr. Maurice Webb (Bombay: Nominated Official); Mr. Hubert Philip Duval, C.I.E. (Bengal: Nominated Official); Mr. Hubert Calvert (Punjab: Nominated Official); Mr. Ralph Alexander Wilson (Central Provinces: Nominated Official); Raja Gazzanfar Ali Khan (North Punjab: Muhammadan); Mr. Mallem Chengalvarayulu Naidu (Burma: Non-European); Mr. Thomas Andrew Chalmers, C.S.I. (Assam: European); Colonel J. D. Crawford, D.S.O., M.C. (Bengal: European).

QUESTIONS AND ANSWERS.

REJOINDER OF MR. B. G. HORNIMAN TO THE CHARGES MADE AGAINST HIM BY THE GOVERNMENT OF INDIA.

1572. ***Mr. Chaman Lall**: (*a*) Has Government's attention been drawn to Mr. B. G. Horniman's rejoinder to the charges officially made against him?

(*b*) Do Government still insist on refusing to recommend that a passport be granted to Mr. B. G. Horniman?

(*c*) Are Government prepared to withdraw the charges or insinuations made against Mr. B. G. Horniman in view of his rejoinder as published in the *Bombay Chronicle*, dated 21st May, 1924?

The Honourable Sir Alexander Muddiman: (*a*) The answer is in the affirmative.

(*b*) and (*c*). The Government of India do not propose to take any action with regard to the article referred to.

Mr. Chaman Lall: Are the Government aware that very serious charges have been made by Mr. Horniman against the official who defamed him? Is it not necessary for Government to justify their conduct?

The Honourable Sir Alexander Muddiman: No, Sir.

Mr. Devaki Prasad Sinha : Are Government prepared to prosecute Mr. Horniman for libel ?

The Honourable Sir Alexander Muddiman : No, Sir.

Mr. Devaki Prasad Sinha : Why not ?

The Honourable Sir Alexander Muddiman : Because I am not aware that there is a case against him.

Mr. Jamnadas M. Mehta: Is the Government's silence to be construed as consent ?

The Honourable Sir Alexander Muddiman : No, Sir.

Mr. Chaman Lal: Are the Government aware that a specific charge was levelled against Mr. Horniman, that he was guilty of causing a strike and damage to the machinery, and Mr. Horniman has replied to that charge saying it was absolutely false ?

Further, are Government aware that a charge was levelled against Mr. Horniman that his violent writings were the cause of the disturbances in Gujerat and in Bombay, and that he has given a categorical denial to that charge ?

Do Government intend to take any action in the matter ?

The Honourable Sir Alexander Muddiman : No, Sir.

PRICE OF SALT IN THE PUNJAB.

1573. ***Mr. Chaman Lall**: (*a*) Are Government aware that exorbitant rates are being charged for salt to the average consumer in the Punjab out of all proportion to its actual price ?

(*b*) Are Government prepared to take immediate steps to bring in an Anti-Profiteering Bill in order to protect the consumer?

The Honourable Sir Basil Blackett : The answer to both parts of the question is in the negative.

SIMLA IMPERIAL CIRCLE, PUBLIC WORKS DEPARTMENT.

1574. ***Maulvi Muhammad Yakub** : (*a*) Will the Government be pleased to state under what orders and circumstances the Simla Imperial Circle, P. W. D., was created and what is the annual cost of the maintenance of establishment of the Circle ?

(*b*) Will the Government be pleased to state the total strength of the Circle with the salaries of executive and ministerial staff ?

(*c*) Will the Government be pleased to state for what period the Circle has been sanctioned and whether it is intended to extend the life of the Circle on the expiry of the present sanction ?

(*d*) Are the Government prepared to consider the making over of the Circle to the P. W. D., Delhi, with a view to effecting economy and putting the whole Circle in charge of an Executive Engineer and the sub-divisions under Sub-Divisional Officers ?

(*e*) Will the Government be pleased to state under what circumstances Mr. Brebner holds a collateral charge of the duties of Superintending Engineer, Imperial Circle and Under Secretary to the Government of India, P. W. D. ?

The Honourable Mr. A. C. Chatterjee : (*a*) The Simla Imperial Circle was created originally in April 1919, under the orders of the Government of India to provide for the superintendence of the construction and maintenance of properties in Simla appertaining to the Central Government, and cognate matters. The continuance of the Circle has since been sanctioned by the Secretary of State. The estimated cost of the maintenance of its establishment during the current financial year is shown in the statement laid on the table.

(*b*) The statement referred to in (*a*) above gives the information required.

(*c*) The existing sanction to the Circle expires on the 31st March 1925. No decision has yet been reached as to whether or not an extension will be necessary.

(*d*) The Honourable Member's suggestion will be considered.

(*e*) With the abolition of the posts of Secretary and Under Secretary to the Government of India in the Public Works Department it was found convenient to entrust to the Superintending Engineer certain of the technical and estate work which formerly devolved upon those appointments.

Statement referred to in reply to question bearing Legislative Assembly Register No. 2401.

Pay of officers :		
1 Superintending Engineer	25,350	
1 Executive Engineer	14,350	
1 Executive Engineer	7,800	
1 Electrical Engineer	11,400	
1 Sub-Divisional Officer	6,000	
Leave salary	2,000	
		66,900
Pay of establishment :		
Direction :		
Ministerial : 1 Superintendent, 7 clerks and 2 draftsmen	19,980	
Menial : 1 Duftry and 7 peons	1,704	
		21,684
Construction :		
4 Sub-divisional officers	12,720	
13 Subordinates	19,920	
1 Sanitary inspector (2 months only)	560	
4 Accountants	7,250	
		40,450
Office and Petty establishment :		
Ministerial : 26 clerks (3 for 2 months only), 2 draftsmen and 1 storekeeper	27,790	
Menial : 18 peons	3,672	
Leave salary	2,800	
		34,262
Allowances		6,000
Total India		.. 1,69,296
England leave salary		3,000
Total ..		.. 1,72,296

Mr. K. Ahmed: How long has Mr. Brebner been holding this dubious position of diabolical character, Sir ? May I ask, for how long Mr. Brebner has been holding this dual position ?

The Honourable Mr. A. C. Chatterjee: About a year, I think.

Mr. K. Ahmed : Are Government aware that it will be contrary to the principle of service rules and public policy to appoint the same officer, who is supposed to be the higher officer, as Under Secretary and to allow him to act as Superintending Engineer, a subordinate officer, just as if my Honourable friend Mr. Chatterjee becomes the Secretary of his Department; and at the same time acts as Member in charge of it ?

The Honourable Mr. A. C. Chatterjee : I do not think there is any analogy between the two cases mentioned by my Honourable friend.

QUALIFICATIONS OF MR. CHINTAMANI PANT, EXECUTIVE ENGINEER, SIMLA IMPERIAL WEST DIVISION.

1575. ***Maulvi Muhammad Yakub** : What are the special qualifications of Mr. Chintamani Pant for his being appointed as Executive Engineer of the Imperial West Division ? Is it a fact that he was a junior S. D. O. in 1921 ?

The Honourable Mr. A. C. Chatterjee : Mr. Chintamani Pant was a Sub-Divisional Officer in one of the Imperial Divisions in Simla in 1921, but reverted subsequently to his substantive appointment in the United Provinces Engineering Service. When the post of Executive Engineer, Simla Imperial West Division, fell vacant, Mr. Chintamani Pant, with his previous experience of Simla, was selected as a suitable officer to fill it.

PROMOTION OF LALA MITHAN LAL TO BE A SUB-DIVISIONAL OFFICER.

1576. ***Maulvi Muhammad Yakub** : Are the Government aware that L. Mithan Lal was a very junior overseer before he was promoted to be a S. D. O. ?

The Honourable Mr. A. C. Chatterjee : Mr. Mithan Lal is a passed Sub-Engineer of the Roorkee College, and was considered the officer best qualified for promotion when the vacancy in which he was promoted occurred.

CLASS I OFFICERS OF THE SURVEY OF INDIA.

1577. ***Maulvi Muhammad Yakub** : (*a*) Is it a fact that the Class I officers of the Survey of India do not receive any special training for this work before they are attached to the department in India ?

(*b*) Is it a fact that the Class I officers of the Survey of India do practically the same work which is done by the Class II officers ?

(*c*) Is it a fact that the average of pay of the Class I and Class II officers of the Survey of India is Rs. 1,330 and Rs. 476, respectively ?

(*d*) Do the Government propose to reduce the number of Class I officers and increase that of Class II in order to secure economy ?

Mr. J. W. Bhore : (*a*) No. All directly appointed Class I officers have a considerable survey training before joining the Survey of India,

in addition to a sound general and military education, which is a most important foundation for the proper direction and control of survey work.

(*b*) No. They discharge more responsible administrative duties.

(*c*) The more correct figures are 1132 and 499, respectively.

(*d*) The matter is under consideration.

PAYMENT OF COMPENSATION TO THE WIDOW OF KANIHYA LALL CHOUBEY, LATE GUARD OF THE OUDH AND ROHILKHAND RAILWAY.

1578. ***Maulvi Muhammad Yakub** : Will the Government be pleased to state if any compensation was awarded to the widow of one Kanihya Lall Choubey, a guard on the Oudh and Rohilkhand Railway, who lost his life in the performance of his duty at the Bechupur collision ? If not, why not ?

Mr. A. A. L. Parsons : Yes, the Agent, Oudh and Rohilkhand Railway on the 22nd of May 1924 sanctioned the grant of 12 months' emoluments of the deceased at the time of his death to the widow of the late Kanihya Lall Choubey, Guard, Oudh and Rohilkhand Railway.

TRAVELLING ALLOWANCE OF MEMBERS OF THE LEGISLATIVE ASSEMBLY.

1579. ***Maulvi Muhammad Yakub**: (*a*) Are the Government aware that the members of the Provincial Legislative Councils still receive their travelling allowance at the rate of double first class fare, while the travelling allowance of the Members of the Legislative Assembly has been reduced to $1\frac{3}{5}$ths first class fare ?

(*b*) Will the Government be pleased to state what is the reason of this difference ?

Sir Henry Moncrieff Smith: The circumstances in which the travelling allowance admissible to Members of the Legislative Assembly was reduced to $1\frac{3}{5}$ fares were explained in my reply to Dr. Gour's question No. 167 on the 5th February last. The Government of India have no information regarding the reasons for the alleged maintenance of the double fare rate for Members of Provincial Legislative Councils.

Pandit Shamlal Nehru : Are the Government aware that in the United Provinces the Government have reduced the fare from double first class to $1\frac{3}{5}$ths now ?

Sir Henry Moncrieff Smith : I am not aware of that.

WAGON REPAIRS IN RAILWAY WORKSHOPS.

1580. ***Mr. W. S. J. Willson** : With reference to the answer given to unstarred question No. 206 on 17th March 1924, will the Government be pleased to state the number of wagons in railway workshops on 31st March 1924 awaiting repairs and the number awaiting repairs a year ago ?

Mr. A. A. L. Parsons : As a statistical figure of wagons awaiting repairs on any particular day is of little practical value this figure is no longer being maintained on railways, but monthly figures showing the average number of unserviceable wagons on the line daily and the percentage which this bears to the total number of wagons on the line are maintained instead.

The figures for Class I Railways for March 1924 as compared with October 1923, when these figures were first compiled, are shown in the statement which I place on the table.

Statement showing:—(i) Average number of unserviceable wagons on the line daily, and (ii) Percentage unserviceable to the average number of wagons on the line daily, on Class I Railways for the months October 1923 and March 1924.

Railway.	Average No. of unserviceable wagons on the line daily.		Percentage unserviceable to average No. of wagons on the line daily.	
	October 1923.	March 1924.	October 1923.	March 1924.
5′ 6″ Gauge.				
Bengal Nagpur	2,012	1,784	9·27	7·26
Bombay, Baroda and Central India.	544	433	5·35	4·60
Eastern Bengal	632	684	6·66	9·99
East Indian	2,309	2,385	5·74	5·51
Great Indian Peninsula ..	1,290	1,090	6·77	5·83
Madras and Southern Mahratta	630	655	11·68	11·55
Nizam's	130	107	7·45	7·23
North Western	2,360	2,981	8·50	10·60
Oudh and Rohilkhand ..	514	639	5·80	9·62
South Indian	400	374	18·50	18·60
3′ 3½″ Gauge.				
Assam Bengal	194	203	3·81	3·73
Bengal and North Western ..	497	449	5·33	4·62
Bombay, Baroda and Central India.	379	357	4·30	3·57
Burma	821	882	9·50	8·67
Eastern Bengal	282	403	4·05	4·89
Madras and Southern Mahratta	452	618	6·91	9·24
Nizam's	35	21	3·62	2·04
Rohilkund and Kumaon ..	*Nil.*	71	*Nil.*	2·47
South Indian	458	594	6·37	9·78

ALLEGATIONS AGAINST THE ADMINISTRATION OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

1531. *Mr. Chaman Lall: (*a*) Has a note making serious allegations against the administration of the B., B. and C. I. Railway published in the *Voice of India*, dated 25th March 1924, been brought to the notice of the Government?

(*b*) What steps do Government intend to take in the matter?

Mr. A. A. L. Parsons: (*a*) Government have seen the note.

(*b*) The matter is one between the Agent and his staff in which Government do not interfere. Moreover, one of the complainants has filed a suit against the Railway and the case is at present *sub judice*.

SCOPE OF INQUIRY OF THE TAXATION INQUIRY COMMITTEE.

1532. *Mr. C. Duraiswami Aiyangar: With reference to the Resolution No. 1412-F., published in the Gazette of India Extraordinary dated 26th May 1924:

(*a*) Will the Government be pleased to state why the intention of the Government to institute an inquiry into the scientific system of Indian taxation was not announced in the Legislative Assembly for an expression of its views thereon?

(*b*) Will the Government be pleased to state whether the Taxation Inquiry Committee appointed under the said Resolution will be competent to base its report on the total abandonment of liquor and opium revenue by the Imperial as well as Local Governments?

(*c*) Will the Government be pleased to state why the services of Sir Percy Thomson, K.B.E., Deputy Chairman of the Board of Inland Revenue in England are necessary?

(*d*) Will the Government be pleased to state why the Committee is prevented from reporting on the systems of settlement regarding land revenue?

(*e*) Is it competent for the Committee to inquire into the incidence of taxation both direct and indirect as also the incidence of income per head?

(*f*) Is the Committee authorised to have co-opted members when they conduct inquiry in each province?

(*g*) What is the approximate expenditure that is expected to be incurred over this Committee?

(*h*) Why is a wider economic inquiry reserved for another Committee?

The Honourable Sir Basil Blackett: It would appear that the Honourable Member was unaware of the proceedings of the Standing Finance Committee on the 21st February 1924 or of the debate in the Council of State on the 4th February 1924. I do not think I can add anything to what was there stated and what is stated in the Resolution.

Baba Ujagar Singh Bedi : Will Government be pleased to explain the fundamental policy on which the land settlement is based, and the land revenue demanded or claimed. Is it one throughout British India, or different in different Provinces ? What is the maximum demand under this policy with regard to land revenue, and what is now in force, or being realised in the different Provinces ?

The Honourable Sir Basil Blackett : I think the Honourable Member who will have to supply that information will require notice of that question.

Baba Ujagar Singh Bedi : Will the Honourable Member take it as notice and supply the information, when available ?

The Honourable Sir Basil Blackett : I cannot answer on behalf of the Honourable Member in charge.

Mr. T. C. Goswami : Perhaps the Honourable Member will answer when the debate on the subject comes on.

EDUCATION OF AGRICULTURISTS IN THE USE OF SULPHATE OF AMMONIA AS MANURE.

1583. *Mr. C. Duraiswami Aiyangar : With reference to the observations of the Tariff Board in their Report on sulphur in paragraph 6 of their Report :

(*a*) Will the Government be pleased to state what steps have been taken by the Imperial and Provincial Governments to educate the agriculturists in the use of " sulphate of ammonia."

(*b*) Will the Government be pleased to state whether any and, if so, how many demonstrative farms have been opened where the use of sulphate of ammonia was demonstrated to the agriculturists ?

Mr. J. W. Bhore : (*a*) The manurial value of sulphate of ammonia has been tested in every province in India. In sulphate of ammonia the cost per unit of nitrogen is considerably higher than it is in other available manures such as oil-cakes and cattle manures. It does not, therefore, ordinarily pay to use sulphate of ammonia except in tracts such as the cane-growing areas in the Bombay Presidency where cultivation is intense, and where other manures are not obtainable in sufficient quantities.

(*b*) The manurial value of sulphate of ammonia has been tested on almost every experimental farm in India ; but for the reasons given above its use has been demonstrated only on a small number of farms such as those in the cane areas in the Bombay Presidency.

EXTRACTION OF SULPHUR FROM COKING COAL IN ASSAM.

1584. *Mr. C. Duraiswami Aiyangar : With reference to Dr. Pascoe's remarks in paragraph 9 of his letter to the Tariff Board, will the Government be pleased to state whether any and, if so, what steps have been taken to discover a method of removing sulphur from coking coal in Assam ?

The Honourable Mr. A. C. Chatterjee : Recent experiments in the Geological Survey of India have proved that sulphur in the coal of Assam is, as has always been suspected, not present in the form of pyrites, but

is organically united to the coal substance. All attempts, therefore, to remove it by washing or by froth flotation have failed. The question of removal of sulphur in coal is not limited to the Assam occurrences, but is of world-wide importance. The Director of the Geological Survey of India is keeping a watch upon all published attempts to solve this problem. I may add that the suitability of Assam coal for smelting purposes in the ironfields of Bihar and Orissa depends not only upon the removal of the sulphur content, but also upon the solution of the transport problem.

ASSISTANCE RENDERED TO INDUSTRIAL FIRMS BY THE GEOLOGICAL SURVEY DEPARTMENT.

1585. *Mr. C. Duraiswami Aiyangar: With reference to the various remarks of Dr. Pascoe in his letter to the Tariff Board as to want of information:

(a) Will the Government be pleased to state how long the Geological Survey Department has been working at the discovery of coking coal obtainable in India?

(b) Will the Government be pleased to state when approximately more definite information will be furnished by the Geological Survey Department?

(c) Will the Government be pleased to state what help the Department has been rendering to the Indian industrial firms as regards the mineral resources of India?

The Honourable Mr. A. C. Chatterjee: (a) The Geological Survey has devoted continuous attention to the subject, but coking experiments on a large scale are frequently necessary to determine the value of coals for coking purposes, and such experiments can scarcely be conducted by the Survey.

(b) A re-survey of all the important coalfields is being undertaken at once. It will probably take four or five years to complete.

(c) The Department publishes in its Records and Memoirs all available information regarding the mineral resources of India. It also supplies information to inquirers and introduces firms to private prospectors and geologists.

INDIAN, NON-INDIAN AND MIXED FIRMS ENGAGED IN THE IRON AND STEEL INDUSTRIES IN INDIA.

1586. *Mr. C. Duraiswami Aiyangar: (a) Will the Government be pleased to state how many firms in India carrying on iron or steel industries are (1) purely Indian, (2) purely non-Indian, (3) mixed (Indian and non-Indian capital).

(b) As regards non-Indian firms, will the Government be pleased to state how many were registered in India with rupee capital?

The Honourable Sir Charles Innes: Government have no information beyond what is contained in the volume on Joint Stock Companies in British India and in certain Indian States which is published by the Commercial Intelligence Department. There is a copy in the Library.

REPRESENTATION OF THE CENTRAL LEGISLATURE ON THE GOVERNING BODY OF THE LADY HARDINGE MEDICAL COLLEGE, DELHI.

1587. *Lala Hans Raj : With reference to the reply given on the 3rd March to the question by Pandit Krishna Kant Malaviya that the suggestion of adding elected members of the Assembly and the Council of State to the present Governing Body of the Lady Hardinge Medical College will be considered, will the Government be pleased to state what consideration of the suggestion has been made, and if not, why ?

Mr. J. W. Bhore : The Governing Body have intimated to the Government of India that they will be glad to add to their numbers Members of the Legislative Assembly and the Council of State.

EMPLOYMENT OF INDIAN PROFESSORS IN THE LADY HARDINGE MEDICAL COLLEGE, DELHI.

1588. *Lala Hans Raj : With reference to the question to which a reply was given on the 3rd March that Indian Professors will be employed in the vacancies in the Lady Hardinge Medical College which were advertised, will the Government be pleased to state the names of the Indians employed, and if not, why ?

Mr. J. W. Bhore : It is the policy of the Governing Body to appoint suitably qualified Indians whenever such are available. Only recently they advertised for lecturers in Chemistry and Biology and have selected Miss Sushila Ram for the post of lecturer in Chemistry. No suitable applications were received for the other post.

ANNUAL GRANT TO THE LADY HARDINGE MEDICAL COLLEGE, DELHI.

1589. *Lala Hans Raj : Will the Government be pleased to lay on the table a copy of the rules under which the annual grant of Rs. 2 lakhs is given to the institution ?

Mr. J. W. Bhore : There are no rules governing the annual grant of Rs. 2 lakhs given to the Lady Hardinge Medical College.

AUDIT INSPECTION NOTE OF THE LADY HARDINGE MEDICAL COLLEGE, DELHI.

1590. *Lala Hans Raj : With reference to the replies given on the 3rd and 24th March 1924 with regard to the audit inspection note of the Lady Hardinge Medical College for the period ending the 30th September 1923, will the Government be pleased to lay on the table the following :

(*a*) Audit inspection note for the period ending the 30th September 1923 ;

(*b*) Audit objection statements for the same period (with replies against each of the objections) ?

Mr. J. W. Bhore : A copy of the audit inspection report and the audit objection statements has been placed in the Library of the Assembly.

INSPECTION REPORT RELATING TO THE LADY HARDINGE MEDICAL COLLEGE, DELHI.

1591. *Lala Hans Raj : With reference to the reply given on the 24th March that the Director of Tropical Medical Schools, Calcutta, has

finished the inspection and examination of the internal management of the Lady Hardinge Medical College, will the Government be pleased to lay on the table the inspection report submitted by the Director with the action taken by the Governing Body of the Institution ?

Mr. J. W. Bhore : A copy of the report submitted by the Director, School of Tropical Medicine and Hygiene, Calcutta, has been placed in the Library of the Assembly. In consequence of this report the Governing Body have addressed an appeal for further financial assistance to the Government of India.

DELAY IN THE PUBLICATION OF THE LAST QUINQUENNIAL REPORT OF THE LADY HARDINGE MEDICAL COLLEGE, DELHI.

1592. ***Lala Hans Raj** : (*a*) With reference to a reply given on the 24th March 1924 that the quinquennial report of the Lady Hardinge Medical College is under preparation, will the Government be pleased to lay it on the table if it is published ? If not, why ?

(*b*) Is it a fact that the last quinquennial report of the institution was published in 1918 as was stated in a reply on the 24th March 1924, and the second similar report was due in 1923 ? If so, will the Government be pleased to state reasons why the subsequent report was not published in due time ?

Mr. J. W. Bhore : (*a*) The Quinquennial report on the Lady Hardinge Medical College will be published shortly and a copy will be placed in the Library of the Assembly.

(*b*) Yes. The Government of India are not primarily concerned with the publication of this report.

CLASSIFICATION OF THE LADY HARDINGE MEDICAL COLLEGE, DELHI, AS A PRIVATE INSTITUTION.

1593. ***Lala Hans Raj** : With reference to the reply given on the 3rd March 1924 that the Lady Hardinge Medical College is a private concern with an independent audit read together with the letter of the Honorary Secretary published in the debate copy of the 24th March in response to a similar question, will the Government be pleased to state more definitely if this institution can still be treated as a private institution under the circumstances when its accounts are audited by the Government Auditors appointed by the Local Fund Examiner of the Punjab, and when it is entirely managed and controlled by the Government officials ?

Mr. J. W. Bhore : The Honourable Member will observe from the letter of the Honorary Secretary that the request for the accounts of the College being audited by the Examiner of Local Fund Accounts was made in the interests of efficiency and economy. The official character of the auditing agency employed cannot affect the character of the Governing Body which having been duly registered under Act XXI of 1860 is an autonomous corporation. I have already informed the Honourable Member that the Governing Body have intimated their desire to add non-official Members to their numbers.

NAMES OF INDIAN MEMBERS ON THE EXECUTIVE COMMITTEE OF THE COUNTESS OF DUFFERIN FUND.

1594. ***Lala Hans Raj** : (*a*) Is it a fact that the Countess of Dufferin Fund receives an annual grant from the Assembly ranging between 4 to 5 lakhs of rupees ?

(*b*) And is it a fact that this grant is given merely to provide medical aid for Indian women ?

(*c*) If the replies to (*a*) and (*b*) are in the affirmative, will the Government be pleased to state the names of the Indian Members who are acting on the management of the said Countess of Dufferin Fund ?

Mr. J. W. Bhore : (*a*) An annual grant of Rs. 3,70,000 is given.

(*b*) The grant is given towards the maintenance of a Woman's Medical Service for India.

(*c*) The following are the Indian members of the Governing Body:

(1) Khan Bahadur Amin-ul-Islam.
(2) The Honourable Sir Maneckji Dadabhoy.
(3) Nawab Sahibzada Sir Abdul Qayyum Khan.
(4) Lady Shafi.
(5) Mr. K. C. Roy.
(6) Mr. Mohan Lal, M.L.C.
(7) The Honourable Raja Sir Harnam Singh.
(8) Diwan Bahadur Tiruvenkata Rangachariar, M.L.A.
(9) Mr. K. C. Neogy, M.L.A.

REPRESENTATION OF THE CENTRAL LEGISLATURE ON THE EXECUTIVE COMMITTEE OF THE COUNTESS OF DUFFERIN FUND.

1595. ***Lala Hans Raj:*** Is it a fact that at present there is no elected Indian Member of the Legislative Assembly or the Council of State on the Executive Committee of the Countess of Dufferin Fund ? If so, are the Government prepared to take steps to have a prominent element of Indian elected Members on the said Committee ?

Mr. J. W. Bhore : No. There are three elected Members of the Indian Legislature on the Governing Body, namely, the Honourable Sir Manekji Dadabhoy, Diwan Bahadur Tiruvenkata Rangachariar and Mr. K. C. Neogy. The latter part of the question does not therefore arise.

FREE REDIRECTION OF TELEGRAMS.

1596. ***Dr. H. S. Gour :*** With reference to the Honourable Mr. A. C. Chatterjee's reply, dated the 1st February 1924, to my question No. 211, (*a*) is it a fact that the revenue derived from the redirection of bearing telegrams would approximately be Rs. 2,800 a year ? (*b*) In view of the small revenue so derived, will the Government be pleased to see that all telegrams are redirected free of charge ?

The Honourable Mr. A. C. Chatterjee : (*a*) Yes, but a considerable amount of additional work will be entailed for which staff will be necessary if all telegrams were redirected by wire free of charge.

(*b*) As telegrams are redirected or readdressed only on the authority of the addressee or on that of an agent of the addressee who is responsible for any charge that may be incurred, Government do not propose to make any change in the present system.

Dr. H. S. Gour : Is it not a fact that telegrams were previously readdressed free of charge ?

The Honourable Mr. A. C. Chatterjee : I do not know all the ancient history of the Department.

RENTAL OF HOUSES OWNED BY THE GOVERNMENT OF INDIA IN SIMLA.

1597. ***Khan Bahadur W. M. Hussanally** : (*a*) Will Government please lay on the table a statement in regard to landed estate belonging to the Government of India at Simla let on hire, in the following form ?

No.	Name of property.	Book value.	Gross rental realised.	Cost of repairs, taxes, supervision, etc.	Nett rental.	Percentage.

(*b*) A similar statement in regard to furniture supplied with these houses.

The Honourable Mr. A. C. Chatterjee : In view of the very large number of Government properties in Simla, the collection of the information required would involve an amount of labour which would be incommensurate with the value of the information when collected.

Baba Ujagar Singh Bedi : Is there no list kept for such things ?

The Honourable Mr. A. C. Chatterjee : Oh yes, there is a list, but not in this form.

SIMLA RENTS AND FURNITURE SUB-DIVISIONS.

1598. ***Khan Bahadur W. M. Hussanally** : (*a*) Are there separate sub-divisions at Simla for the recovery of rents, and for the supply of furniture ?

(*b*) What is the salary and allowances of the officers in charge of these offices ?

(*c*) Are the officers in charge Indian, Anglo-Indian or European ?

(*d*) What is the total cost per year of these offices ?

(*e*) Do Government propose to do away with these offices, recover rents by retrenchment from the salary bills of the officers occupying these houses, and ask such tenants to make their own arrangements for furniture ?

The Honourable Mr. A. C. Chatterjee : (*a*) There is no separate sub-division for the recovery of rents, but there is an independent furniture sub-division.

(*b*) The officer in charge of the furniture sub-division draws Rs. 500 per mensem.

(*c*) European.

(*d*) Rs. 13,510.

(*e*) The furniture sub-division has been constituted only as a temporary measure. Rents are already recovered by deductions from salary

bills. It is not proposed to discontinue the present arrangements regarding the supply of furniture.

Pandit Shamlal Nehru : May I know, if the rents are recovered from salary bills, what is the need for a Rs. 500 officer ?

The Honourable Mr. A. C. Chatterjee : I thought I had indicated that he deals with furniture and not with salary bills.

Mr. N. M. Joshi : May I ask, why Government, when they have a separate officer for furniture, should ask Members of this Assembly, when they want a few articles of furniture, to make their own arrangements ? Recently I was asked, when I wanted a few articles of furniture, to make my own arrangements.

The Honourable Mr. A. C. Chatterjee : I believe furniture was supplied to the Honourable Member. If he wants furniture on a very large or different scale, he must find it for himself.

Mr. N. M. Joshi : I only wanted two or three chairs more, and I do not consider that extravagant.

SALE OF GOVERNMENT PROPERTY IN SIMLA TO PRIVATE CAPITALISTS.

1599. ***Khan Bahadur W. M. Hussanally** : Do Government propose to sell these properties to private capitalists with the condition attached that they will offer these houses on rent to Government servants in the first instance ?

The Honourable Mr. A. C. Chatterjee : The answer is in the negative

Mr. K. Ahmed : Is it a fact, Sir, that some Members of this Assembly applied for quarters on an annual rent and they were not given to them ?

The Honourable Mr. A. C. Chatterjee : I shall be greatly obliged if the Honourable Member will furnish me with detailed particulars and I shall inquire into the matter.

Pandit Shamlal Nehru : Is it not a fact, Sir, that these quarters are rented to officials at practically half the rent that is charged to Members of this Assembly, although they do not take it for the full season ?

The Honourable Mr. A. C. Chatterjee : I should like notice of the question. I am inclined to think the Honourable Member has been misinformed.

Pandit Shamlal Nehru : If the Honourable Member will see the books he will find that I am right.

RENTS OF QUARTERS AT LONGWOOD, THE CART ROAD AND SUMMER HILL.

1600. ***Khan Bahadur W. M. Hussanally** : (*a*) What is the rent charged at Longwood, Cart Road, and Summer Hill to Members of the Assembly and to other Government servants respectively for the same rooms ?

(*b*) Is it a fact that Government officers occupying Longwood quarters have the use of drawing rooms, garden, tennis courts, etc. ?

(*c*) Do officers pay separately for these ?

(*d*) Is it a fact that Members occupying the Range have no such use ?

(*e*) Is it a fact that the Range is in urgent need of replacement or very special repairs ?

(*f*) Are the rooms at Longwood available to Members or other non-officials on the same terms as officers for the season ? If so, will the fact be so notified ?

The Honourable Mr. A. C. Chatterjee : (*a*) As regards Longwood, the figures asked for were given by me in reply to a question asked by Khan Bahadur Sarfaraz Hussain Khan on the 8th March last. Members of the Assembly are charged from Rs. 140 to Rs. 150 for the quarters on the Cart Road ; these quarters are not ordinarily available for Government officers. Members are charged Rs. 110 per mensem for the Summer Hill quarters ; Government servants are charged an annual rental of Rs. 688 for these quarters.

(*b*) Yes.

(*c*) No, the charge is included in the rent. As regards the tennis court, all accessories required for the game, *e.g.*, screens, nets, etc., are provided by the residents using the court.

(*d*) It is not a fact.

(*e*) No.

(*f*) In reply to a supplementary question by Mr. K. Ahmed, asked on the 8th March last, I stated that the rooms at Longwood were available for Members on the same terms as officers, if the former were prepared to pay the rent for the whole season. They are not available for other non-officials. No further notification appears necessary.

APPOINTMENT OF A SUPERINTENDENT OF QUARTERS IN SIMLA ALLOTTED TO MEMBERS OF THE INDIAN LEGISLATURE.

1601. ***Khan Bahadur W. M. Hussanally:** (*a*) Is it a fact that during the past three years there was a Superintendent of quarters in charge of all Members' quarters whose duty it was to look after the convenience and comfort of Members ?

(*b*) Are Government aware that in the May-June session there was no such officer in charge ?

(*c*) That in consequence Members were put to inconvenience ?

(*d*) Do Government propose to detail an officer on duty during the August-September session ?

The Honourable Mr. A. C. Chatterjee : (*a*) Yes.

(*b*) There is an officer in charge, though not a whole-time officer as in previous years.

(*c*) Government are not aware that any serious inconvenience has been experienced on this account.

(*d*) The arrangement now in force will probably continue.

Mr. N. M. Joshi : Was the inconvenience not experienced by Government or by the Members ? I know the Members have been greatly inconvenienced.

The Honourable Mr. A. C. Chatterjee : I am surprised to see, Sir, that a Member representing Labour wants an officer to look after his comforts regarding furniture.

Mr. N. M. Joshi : Do Government make any differentiation between Labour and other Members ?

The Honourable Mr. A. C. Chatterjee : None, but I do not think that any Member here expects a whole-time officer to look after his comforts.

Mr. Gaya Prasad Singh : Was not there such an officer in the last Delhi session and his name was Mr. Smythe ?

Mr. K. Ahmed : Is the Honourable Member in charge of the Department aware—I repeat the same question as I put to his predecessor who was officiating for my Honourable friend while he was away—that the drawing or sitting room in the Longwood Hotel is now turned into a stable or something near it and all the beautiful furniture, or part of it at least, has been removed and it is very bad now for the use of Honourable Members of the Assembly that the very object of acquiring the Longwood property as their residence at Longwood Hotel has been frustrated, in view of the fact that after misrepresentation of the matter was made in this Assembly by saying that it was for Members of the Indian Legislature lakhs and lakhs of rupees were sanctioned by us when the Budget was passed and the amount of money as the price of it was granted by the Assembly, inasmuch as the Government have not allotted all the quarters for them and kept some reserved for outsiders against our wishes ?

Mr. President : Will the Honourable Member kindly put that question down ?

MEDICAL INSPECTION AND DISINFECTION OF HAJ PILGRIMS AT KARACHI.

1602. ***Khan Bahadur W. M. Hussanally :** (*a*) Are Government aware that the medical inspection and disinfection at Karachi for the Haj pilgrims is held far away from the camp ?

(*b*) If so, what is the distance between the Haji camp and the disinfection camp ?

(*c*) Are Government aware that there is a general complaint that Hajis are put to great trouble, inconvenience and privation while under medical inspection and disinfection at Karachi ?

(*d*) What time are Hajis required to be at the disinfection camp ?

(*e*) What time are they set free to go on board ?

(*f*) What time do they reach on board ?

(*g*) Do they have anything to eat during the interval ?

(*h*) Is it a fact that generally pilgrims arrive at the camp a number of days before the date of sailing of a boat, and also pass some days on the journey ?

(*i*) Do Government propose to remove the disinfection camp to the vicinity of the Haji camp for the convenience of the pilgrims ?

(*j*) Do Government propose to issue orders that the disinfection and medical inspection be spread over a number of days before the day of sailing in order to minimise the troubles and inconveniences of Hajis ?

Mr. J. W. Bhore : (*a*) and (*b*). Government are aware that the medical inspection and disinfection take place at Kiamari or about 3 miles from the camp. Everything possible is done to reduce the inconvenience. There is no privation.

(*c*) No. The Collector has personally supervised the arrangements three or four times this season and has introduced various improvements with the approval of the Haj Committee.

(*d*) This varies according to the number of pilgrims but the usual time is about four hours before sailing.

(*e*) To prevent a rush at the ships' gangways the pilgrims are passed out from the disinfection station in batches. The first batch begins to embark about three quarters of an hour after the time fixed for the commencement of the medical inspection ; the last batch about two hours later.

(*f*) This part of the question is not very clear, but if the Honourable Member means how long it takes to get from the disinfection shed to the steamer, the answer is about seven minutes.

(*g*) They are allowed to eat if they wish to do so and the Haj Committee provide iced drinks.

(*h*) Yes.

(*i*) No. The disinfection station is for the whole shipping of the port ; not only for pilgrims.

(*j*) No. This would be contrary to disinfection rules and recognised disinfection and medical inspection procedure.

Khan Bahadur W. M. Hussanally: Is it a fact that these pilgrims are required to be in the disinfection camp early in the morning and do not go on board ship till the afternoon ?

Mr. J. W. Bhore : I have said, Sir, that the normal period for which they are required to be in the disinfection shed is about four hours.

Khan Bahadur W. M. Hussanally : Then it is not a fact that they are required to be in the disinfection camp early in the morning and do not go on board ship till about the afternoon ?

Mr. J. W. Bhore : The information I have is, as stated by me, Sir.

Khan Bahadur W. M. Hussanally : Is it a fact that there was serious difficulty about water during the last season at the disinfection camp ?

Mr. J. W. Bhore : I have no information on that point, Sir, but, if the Honourable Member wishes for information, I shall make inquiry.

Khan Bahadur W. M. Hussanally : I shall be very much obliged if he could.

APPROPRIATION BY GOVERNMENT OF BUNGALOW NO. 12 IN HYDERABAD CANTONMENT SIND.

1603. ***Khan Bahadur W. M. Hussanally :** (*a*) Are the Government aware that Bungalow No. 12 in the Cantonment of Hyderabad Sind has been appropriated by Government under Act VI of 1923 ?

(*b*) Is it a fact that the owner demanded a Committee of Arbitration under the Act ?

(*c*) Is it a fact that the Officer Commanding the Station has refused to grant him the said Committee ?

(*d*) If yes, why ?

(*e*) Is it optional with the Officer Commanding to call a Committee of arbitration ?

(*f*) If not, do Government propose to take any action in the matter, and if so, what ?

Mr. E. Burdon : (*a*) Yes.

(*b*) Yes.

(*c*) Yes.

(*d*) Because the owner had already agreed to accept the increased rent of Rs. 60 per mensem.

(*e*) No.

(*f*) The necessary instructions have been issued.

SALE OF SURPLUS STOCK OF SALT IN THE GANJAM SALT FACTORY.

1604. ***Mr. B. Das :** Will Government be pleased to state :

(*a*) if it is a fact that Government are only able to sell in the Ganjam Salt Factory (Madras) at the rate of about 2 lakhs of maunds of Government salt a year and that more than three lakhs maunds of Government salt are now accumulating there ?

(*b*) if it is a fact that owing to the large accumulation due to dull sales, the Government have stopped manufacture in their monopoly platforms for the last three seasons ?

(*c*) if it is a fact that the stock now in hand represents the output of one year, manufactured three years ago ?

(*d*) whether Government intend selling off all the stock to any one merchant at a cheap rate ?

(*e*) if it is a fact that over and above the concession rate, Government propose to assign to the merchant all the waste and relinquished pans of the Ganjam Factory with a view ultimately to secure the whole factory under one man's monopoly and control ?

SALE OF SURPLUS STOCK OF SALT IN THE GANJAM SALT FACTORY.

1605. ***Mr. B. Das :** Will Government be pleased to state :

(*a*) whether representation has been made to the Collector of Salt and the Government of Madras to discountenance any extension or to sell the whole stock of salt to any one merchant ?

(*b*) whether Government are prepared to keep any proposals for fresh assignment of land in the Ganjam Factory in abeyance and call for a full report from the Government of Madras on the subject before deciding upon the matter ?

The Honourable Sir Basil Blackett : I will answer these two questions together.

The answers to parts (*a*), (*b*) and (*c*) of 1604 and part (*a*) of 1605 are in the affirmative.

In reply to part (*d*) of 1604, it has been decided to sell the stock to one merchant. The question whether the rate is a cheap one is a matter of opinion in view of the quality of salt.

(*e*) It is proposed to assign to the merchant the waste and relinquished pans of the factory, but this will not place the factory under one man's monopoly or control.

(*b*) of question No. 1605—The Government of India called for a report and after considering it have permitted the assignment to be proceeded with.

JOINT TERMINAL RAILWAY STATION AT BOMBAY.

1606. *Mr. B. Das : Will Government be pleased to state :

(*a*) if they have considered the proposition of having a joint terminal station at Bombay in view of the immediate acquisition of the G. I. P. Railway and the ultimate acquisition of the B., B. and C. I. Railway for the State ?

(*b*) Will Government be pleased to state what will be—

(*i*) the cost of the proposed new terminal station for the B., B. and C. I. Railway at Bombay ?

(*ii*) the cost of the acquisition of land for the same ?

Mr. A. A. L. Parsons : (*a*) Yes. The possibility of providing for a part of the terminal traffic of the Bombay, Baroda and Central India Railway at Victoria Terminus has been under consideration for some time. It is a complicated question because, at the same time, the alterations at Victoria Terminus in connection with the electrification of the Great Indian Peninsula Railway suburban lines and the necessity of allowing for further expansion of Victoria Terminus on account of Great Indian Peninsula traffic have also to be considered. But, although it may be found suitable to provide for the Bombay, Baroda and Central India long distance traffic at Victoria Terminus, the local suburban service of the Bombay, Baroda and Central India Railway and their goods traffic must, of course, continue on the existing Bombay, Baroda and Central India Railway lines as far as Grant Road where terminal arrangements will be in any case necessary for such traffic when the Bombay, Baroda and Central India Railway line between Grant Road and Colaba is removed.

(*b*) The original estimate of cost of the proposed new Bombay, Baroda and Central India Railway terminal station at Grant Road amounted to 3½ crores of rupees. After being revised, this figure was reduced to about Rs. 2 crores, but is again being subjected to further revision and reliable figures for works and land cannot be furnished. This estimate would be reduced by the credit that will be received for the Colaba property to be abandoned, and it must also be borne in mind that, if the existing line between Colaba and Grant Road were to be allowed to remain, considerable expenditure would be necessary to improve the existing terminal facilities in order to meet present and future needs.

Mr. B. Das : What would be the cost of the acquisition of land ?

Mr. A. A. L. Parsons: As I have already explained, I cannot at present give figures.

Mr. B. Das : Have Government actually acquired land for this scheme ?

Mr. A. A. L. Parsons : I am afraid I cannot say whether we have actually acquired land or not. Negotiations for the acquisition of land

have been in progress, but I do not know whether we have actually acquired any.

STATE MANAGEMENT OF THE EAST INDIAN AND THE GREAT INDIAN PENINSULA RAILWAYS.

1607. *Mr. B. Das: (*a*) In reference to my starred question No. 301 of 12th February, 1924, will Government be pleased to state what progress has been so far made to take over these two railways, namely, the East Indian Railway and Great Indian Peninsula Railway ?

(*b*) Have Government considered the advisability of appointing an experts' committee of the Railway Board to go into details of management of the G. I. P. Railway with a view to introduce retrenchment as soon as the railway comes under State management ?

Mr. A. A. L. Parsons : (*a*) The question of the arrangements necessary to take over the management of the East Indian Railway and the Great Indian Peninsula Railway is engaging the attention of Government and good progress has already been made with these arrangements.

(*b*) The Honourable Member's attention is directed to page 37 of Appendix B to the Demands for Grants for 1924-25. From that statement he will find that the present Agent is budgetting in 1924-25 for Rs. 71.52 lakhs less under the heads of General Administration, ordinary repairs and maintenance and operating expenses than the actual expenditure incurred under the same heads in 1922-23. This reduction in ordinary working expenses is being effected in spite of the fact that the Agent is budgetting in 1924-25 for gross earnings Rs. 20 lakhs in excess of the actuals of 1922-23. These facts show that there is no necessity for the appointment of the expert Committee suggested in this part of the question. The present Agent has already effected considerable economies on the Great Indian Peninsula Railway and the Government are confident that he will continue his efforts in this direction.

COST OF TOWN PLANNING SCHEMES UNDERTAKEN BY THE GREAT INDIAN PENINSULA RAILWAY.

1608. *Mr. B. Das : (*a*) Is it a fact that the Great Indian Peninsula Railway has been building residential towns for railway officers and abandoning them for other centres ?

(*b*) Is it true that there are 3 or 4 such deserted towns and that quarters built for high officials are occupied by subordinates ?

(*c*) Will Government be pleased to state the capital spent on such town planning schemes by the Great Indian Peninsula Railway ?

Mr. A. A. L. Parsons : (*a*) No.

(*b*) and (*c*). The Honourable Member possibly refers to the arrangements resulting from the new organisation adopted on the Great Indian Peninsula Railway on 1st November 1922. It is an exaggeration to use the expression ' deserted towns ', but it is believed to be correct that at a few stations certain bungalows previously utilised for officers' quarters will not be required now for that purpose. Of these, however, a number were rented bungalows the leases of which have expired, at least two were in bad condition and would have had to be rebuilt, and some will be sold as there is a demand for them.

This only leaves four officers' bungalows which cannot be utilised for their original purpose, and two of these will probably be set aside as rest houses, the other two being made use of for subordinates.

EXPENDITURE INCURRED BY STATE AND GUARANTEED RAILWAYS ON HOUSING OF THEIR STAFF.

1609. *Mr. B. Das : Will Government be pleased to lay a statement on the table showing the capital expenditure on all State and Guaranteed Railways for housing of their officers and staff ?

Mr. A. A. L. Parsons : A statement giving the required information is placed on the table.

Statement showing capital outlay incurred from commencement of operations or from date of purchase in the case of railways purchased from the old guaranteed railway companies, to end of 31st March 1923 on staff quarters by State Railways whether worked by State or by Companies.

Name of Railways.	Amount. Rs.
State Railways worked by the State.	
North Western Railway	3,37,04,379
Oudh and Rohilkhand	70,50,729
Eastern Bengal	1,93,20,300
Aden Railways	1,47,423
Delhi New Capital Railway Works Scheme ..	6,02,826
State Railways worked by Companies or by Indian States.	
Assam Bengal	62,43,085
Bengal Nagpur	2,29,38,654
Burma	1,23,58,756
Bengal and North Western	21,53,593
Bezwada	40,274
Bombay, Baroda and Central India	2,62,62,710
East Indian	2,06,05,650
Great Indian Peninsula	2,17,97,994
Jodhpur Hyderabad	3,24,235
Lucknow Bareilly	3,79,093
Madras and Southern Mahratta Rly.	37,51,081
South Indian Railway	61,67,342
Total	15,40,48,124

REPAYMENT OF ADVANCES MADE TO THE ARMY CANTEEN BOARD BY THE IMPERIAL BANK OF INDIA.

1610. *Maulvi Abul Kasem : (1) Will the Government be pleased to state whether the organisation known as the Army Canteen Board (India) has earned any profits, and if so, how much of those profits have been utilized for the benefit of the soldier ?

(2) Will the Government be pleased to state the extent and amount of guarantee which they have given to the Imperial Bank of India in respect of the advances made by the latter to the Army Canteen Board (India) ?

(3) Will the Government be pleased to say whether the Army Canteen Board (India) has repaid any part of the debt advanced to it by the Imperial Bank of India on the guarantee of the Government ?

Mr. E. Burdon : (1) With regard to the first part of the question, I would invite the attention of the Honourable Member to the reply given on the 9th June to starred question No. 1414.

As regards the second part, the Army Canteen Board (India) has, from the commencement, given a rebate to the units for which it caters. No sums in addition to this rebate have been distributed to troops.

(2) Rs. 20,00,000.

(3) The answer is in the negative.

APPOINTMENT OF AN OUTSIDER AS CONTROLLER OF TELEGRAPH STORES.

1611. ***Mr. B. Das :** Is it a fact that an outsider has been appointed as Controller of Telegraph Stores on a special rate of pay (Rs. 1,700—2,000) though this appointment used to be held by an officer of the Telegraph Department of the rank of Divisional Engineer (Pay Rs. 550—50—1,300) ?

Mr. H. A. Sams : The officer appointed as Controller of Telegraph Stores on special pay of Rs. 1,600—75—1,900, is not an outsider but a permanent officer of the Department.

This appointment used to be held by an officer of the rank of Divisional Engineer who was liable to transfer at any time. In order to avoid the management of the Store Yard being affected by frequent transfers it was considered desirable to have an officer permanently posted to this particular appointment.

APPOINTMENT OF AN OUTSIDER AS ASSISTANT CONTROLLER OF TELEGRAPH STORES.

1612. ***Mr. B. Das :** (*a*) Is it a fact that an outsider has been appointed as Assistant Controller of Telegraph Stores on a pay of Rs. 1,050 though officers with a knowledge of Telegraph Engineering and stores are available on much lower pay ?

(*b*) What are the special qualifications of this officer for which he has been started on the above salary ?

Mr. H. A. Sams : (*a*) Yes. It was considered that a suitable man could not be obtained on a lower rate of pay.

(*b*) The man appointed is an electrical and mechanical engineer with specialised experience in store-keeping.

WORKING COST OF THE TELEGRAPH DEPARTMENT.

1613. ***Mr. B. Das :** In view of the commercialisation of the Telegraph Department, will Government be pleased to lay a revised statement on the table showing the working cost of this department of the Government of India after allowing for—

(*a*) depreciation,

(*b*) sinking fund ?

The Honourable Mr. A. C. Chatterjee : The commercialisation of the accounts of the Department is not yet complete. It is not possible therefore to place a revised statement on the table.

REDUCTION OF EXPENDITURE IN THE TELEGRAPH DEPARTMENT.

1614. ***Mr. B. Das :** (*a*) Is it a fact that the Telegraph Department always runs at a loss ?

(*b*) If so, will Government be pleased to state what steps they have in contemplation for reduction of expenditure of this Department ?

(*c*) Are Government aware that heavy expenses are incurred in this Department by the reservation of a large number of posts for Anglo-Indians and Europeans ?

(*d*) Have Government considered the advisability of throwing open these positions to Indians and incidentally introducing retrenchment in expenditure ?

The Honourable Mr. A. C. Chatterjee : (*a*) It is not possible to say for certain whether there is a profit or loss on the telegraph working until the accounts of the Postal and Telegraph Department have been fully commercialised.

(*b*) The Government have under consideration the question whether it is desirable to initiate a special inquiry into the possibility of reducing expenditure in the Department.

(*c*) No. So far as telegraphists are concerned, Indians, Europeans and Anglo-Indians are employed on the same rates of pay. So far as the superior officers of the Engineering Branch are concerned, the only difference in rates of pay is that the officers recruited in the United Kingdom draw overseas allowance and technical pay.

(*d*) This question is under consideration in connection with the Lee Commission's recommendations so far as the Superior Services are concerned.

Mr. Devaki Prasad Sinha : Sir, with reference to the answer to part (*c*) of the question, is it a fact that a certain number of posts in this Department are reserved for Anglo-Indians or Europeans ?

The Honourable Mr. A. C. Chatterjee : I should like notice of the question.

Mr. Devaki Prasad Sinha : By what time do the Government of India expect to complete the commercialisation of the Post and Telegraph Department ?

The Honourable Mr. A. C. Chatterjee : I hope in a few months longer.

COST OF LONG DISTANCE TELEPHONE LINES AND INCOME DERIVED THEREFROM.

1615. ***Mr. B. Das :** (*a*) Will Government be pleased to state the total capital expenses incurred so far for long distance telephone lines such as—between Bombay and Delhi and Delhi and Simla ?

(*b*) Will Government be pleased to give :

(*i*) the additional recurring expenditure to the Post and Telegraphs for introduction of these lines, and

(*ii*) the income derived so far from the use of these trunk calls ?

Mr. H. A. Sams : (*a*) The total capital expenditure incurred on the entire trunk system up to 31st March 1923 amounts to Rs. 36,39,924.

(*b*) (*i*). The recurring expenditure for the upkeep of all long distance telephone lines during 1922-23 amounted to Rs. 3,03,490 which included Rs. 1,98,049 on account of interest on capital outlay and Rs. 5,017 on account of overhead charges.

(*b*) (*ii*). The revenue and expenditure for the years from 1920-21 to 1922-23 are :

Year.	Revenue.	Expenditure.	Profit or Loss.
	Rs.	Rs.	Rs.
1920-21	1,71,978	1,93,610	21,632 Loss.
1921-22	3,00,440	2,63,917	36,523 Profit.
1922-23	3,82,034	3,03,490	78,604 ,,

COST OF TOWN TELEPHONE SCHEMES AND INCOME DERIVED THEREFROM.

1616. ***Mr. B. Das :** (*a*) Is it a fact that many district towns all over India are being fitted up with telephones for the use of a few Government officials ?

(*b*) Will Government be pleased to lay a statement on the table showing :

(*i*) the capital cost in each case of all town telephone schemes as have been carried out since 1923, March,

(*ii*) the additional expenditure in each case for maintenance and management,

(*iii*) the income derived from each town so far ?

(*c*) Are the Government prepared in future to place such schemes before the Standing Finance Committee and to agree that no such schemes be carried out without the approval of that Committee ?

The Honourable Mr. A. C. Chatterjee : (*a*) No.

(*b*) The financial results of the telephone service for the year 1923-24 are not yet available.

(*c*) I do not at present see any reason to adopt any such general rule as is suggested by the Honourable Member.

Mr. K. Ahmed : Are the public allowed to use those telephones in the districts ?

The Honourable Mr. A. C. Chatterjee : Oh, yes ; certainly.

Mr. K. Ahmed : Is there any system of payment or any system of collection besides the Government orders ?

The Honourable Mr. A. C. Chatterjee : I am sure that the Honourable gentleman will be provided with a connection if he applies.

Mr. K. Ahmed : Is there any rule up till now ?

The Honourable Mr. A. C. Chatterjee : Rules will be furnished to the Honourable gentleman when he applies.

MAXIMUM PAY OF TELEGRAPH OFFICERS RECRUITED IN INDIA FROM INDIAN ENGINEERING COLLEGES.

1617. *Mr. B. Das : (*a*) Is it a fact that the maximum pay which a telegraph officer recruited in India direct from Indian Engineering Colleges can get is only Rs. 1,300 whereas an officer in the superior branch in the corresponding rank who is promoted from the subordinate grade draws Rs. 1,400 ?

(*b*) Do Government propose to take steps to remove this anomaly ?

The Honourable Mr. A. C. Chatterjee : (*a*) No.

(*b*) Does not arise.

CENTRAL AND LOCAL RAILWAYS ADVISORY COUNCILS.

1618. *Mr. B. Das : (*a*) Will Government be pleased to lay a statement on the table giving a list of names of members of the Central Advisory Council and Local Advisory Councils of Railways ?

(*b*) Will Government be pleased to lay a statement for the information of the Members of this House showing :

(*i*) the number of meetings these Advisory Councils had so far,

(*ii*) subjects referred to them for opinion and advice,

(*iii*) action, if any, taken on their recommendations ?

Mr. A. A. L. Parsons : (*a*) A list of the Members of the Central Advisory Council is laid on the table. For the names of members of the Local Advisory Committees, the Honourable Member is referred to the answer given in this Assembly to item (*a*) of question No. 1192 on 2nd June, 1924.

(*b*) With regard to the Central Advisory Council the Honourable Member is referred to the reply given to question No. 92 on 18th February, 1924, in the Council of State. A further statement showing meetings since held and subjects discussed at the same is laid on the table. With regard to Local Advisory Committees the Honourable Member is referred to the reply given on 3rd March, 1924, in this Assembly to item (*b*) of question No. 595.

Members of the Central Advisory Council.

The Honourable Sir Dinshaw Wacha.
The Honourable Sir Arthur Froom.
The Honourable Rai Bahadur Lala Ramsaran Das, C.I.E.
The Honourable Mr. Phiroze C. Sethna, O.B.E.
Dr. H. S. Gour, M.L.A.
Diwan Bahadur Tiruvenkata Rangachariar, M.L.A.
Sir Purshotamdas Thakurdas, M.L.A.
Babu Rang Lal Jajodia, M.L.A.
Babu Khsitish Chandra Neogy, M.L.A.
Seth Kasturbhai Lalbhai, M.L.A.
Sir Gordon Fraser, M.L.A.
Maulvi Abdul Kasem.
A. Cochran, Esq., M.L.A.
Khan Bahadur Saiyid Muhammad Ismail, M.L.A.

Meetings of Central Advisory Council for Railways.

Date of meeting.	Subject placed before Council.	Recommendations made.
4th February 1924 ..	Separation of Railway from General Finance.	The general scope of the scheme was explained and while no resolution was passed, members generally appeared to be in favour of the principle.
16th February 1924 ..	Amendment of Railway Act.	The proposal was discussed by members, but no decision was taken.
Ditto ..	North Western Railway sleeper contract.	A sub-committee was appointed to inquire into the question. Their reports have been circulated to members, and will be taken up at the next meeting of the full Council.
Ditto ..	Technical Training of Railway officers and subordinates.	The matter was discussed only. No decision was asked for.
Ditto ..	New Lines	Ditto ditto.

REPRESENTATION OF THE PASSENGERS' AND TRAFFIC RELIEF ASSOCIATIONS ON THE CENTRAL AND LOCAL RAILWAY ADVISORY COUNCILS.

1619. ***Mr. B. Das:** (*a*) Are Government aware of the existence of the Passengers' and Traffic Relief Associations at Bombay, Madras, Calcutta and Karachi ?

(*b*) Have any of these Associations been given the privilege of representation on the Central and Local Advisory Councils ?

(*c*) If the reply be in the affirmative, will Government be pleased to mention the names of such representatives and the Council they are on ?

(*d*) If the reply be in the negative, will Government be pleased to state the reason why ?

(*e*) Do Government propose to take immediate steps to see that such Associations wherever they exist are given the privilege of representation on the Local Advisory Committee of those Railways in the working of which they are interested ?

Mr. A. A. L. Parsons: (*a*) Government are aware of the existence of various Passengers' Associations.

(*b*) and (*c*). The Central Advisory Council is formed from Members of the Council of State and Legislative Assembly. Mr. K. Parthasarathy Iyengar, Honorary Secretary, Indian Passengers' Association, Madras, is a member of the Madras and Southern Mahratta Railway Local Advisory Committee. Mr. Jivraj Nensey, Secretary, Passengers' and Traffic Relief Association, Bombay, is a Member of the Bombay, Baroda and Central

India Railway Local Advisory Committee on behalf of the Municipal Corporation.

(*d*) Does not arise.

(*e*) The rules for the constitution of Local Advisory Committees provide for three members representing rural interests and the travelling public. It is to the interest of Railways to see that their Committees are as representative as possible. Government do not propose to take any action in the matter.

CONSTITUTION OF THE LOCAL RAILWAY ADVISORY COMMITTEES.

1620. *Mr. B. Das : Will Government be pleased to place on the table a copy of the Circular giving details of the constitution of the Local Advisory Committees set up with the different Railways in India ?

Mr. A. A. L. Parsons : The Honourable Member is referred to item (*ii*) of the reply given in the Assembly on 19th February, 1923, to Mr. B. S. Kamat's question No. 376.

REORGANIZATION OF THE RAILWAY BOARD.

1621. *Mr. B. Das : (*a*) How far have Government proceeded in the reorganisation of the Railway Commission ?

(*b*) Will Government be pleased to state why an Indian Member was not recruited on the retirement of Colonel Waghorn from the Railway Board ?

(*c*) Did Government approach retired Indian engineers and railway officials to sit on the Railway Board ?

(*d*) If the reply be in the negative, will Government be pleased to state if it is their policy to exclude Indians from all administrative posts of the Railway Board ?

(*e*) Do Government propose to take proper steps to recruit Indians in the reorganisation scheme of the Railway Board ?

Mr. A. A. L. Parsons : (*a*) Full information about the changes is given in para. 35 of the Budget Memorandum for 1924-25, a copy of which was given to all Honourable Members. All of the changes referred to have been brought into effect.

(*b*) Members of the Railway Board must necessarily possess a high degree of practical knowledge and experience of railway working and no Indian possessing the requisite qualifications was forthcoming.

(*c*) and (*d*). No.

(*e*) Claims of Indian officers of suitable seniority and experience are considered in making selections for appointments in the Railway Board as they fall vacant. Two Indian officers have recently been selected for such appointments.

Mr. Devaki Prasad Sinha : What is the material upon which the Honourable Member bases his assumption that no Indian was found qualified to fill this post ?

The Honourable Sir Charles Innes : Before filling this post we examined the qualifications of all the Agents and Chief Engineers.

Mr. Devaki Prasad Sinha : Was this post advertised ?

The Honourable Sir Charles Innes : Certainly not.

Mr. Devaki Prasad Sinha : How did the Government of India ascertain that there was absolutely no Indian who could fill this post ?

The Honourable Sir Charles Innes : There was certainly no Indian among the posts I referred to with fresh and recent experience of practical railway working in India.

STAFF SELECTION BOARD EXAMINATIONS.

1622. ***Mr. B. C. Roy :** Will the Government be pleased to state :

(*a*) the total number of candidates examined by the Staff Selection Board in their first examination,

(*b*) the total number of candidates examined by the Staff Selection Board in their second or last examination,

(*c*) The total number of candidates to be examined this year :

(*i*) departmental,

(*ii*) outsiders ?

The Honourable Sir Alexander Muddiman : (*a*) The exact number cannot be stated. It was approximately 500.

(*b*) 1,340.

(*c*) 268 departmental and 295 outside candidates.

QUALIFICATIONS, PAY, ETC., OF THE ASSISTANT SECRETARY, STAFF SELECTION BOARD.

1623. ***Mr. B. C. Roy :** (*a*) Is it a fact that an Assistant Secretary has been appointed on a salary of Rs. 500 to carry out the impending examination to be held by the Staff Selection Board ?

(*b*) Is the incumbent who has been appointed to the post of Assistant Secretary an educationist ; if so, what is his University degree ?

(*c*) Has he ever conducted any public or departmental examination ; if so, when and where ?

(*d*) If the answers to the foregoing questions are in the negative, why has he been particularly selected ?

(*e*) Will the Government be pleased to state whether the post was advertised ; if not, why not ?

(*f*) Has the present incumbent of the post been given gazetted rank ? In this connection will the Government be pleased to state what was his substantive pay ?

The Honourable Sir Alexander Muddiman : The answer to part (*a*) is in the affirmative and to parts (*b*) and (*c*) and the first parts of (*e*) and (*f*) in the negative.

As to (*d*) and the remaining parts of (*e*) and (*f*) the Assistant-Secretary was specially selected after careful consideration in view of his proved ability as an assistant in my Department. The post was not

advertised as there was a suitable candidate at hand. His substantive pay was Rs. 365.

DUTIES OF THE PART-TIME SECRETARY, STAFF SELECTION BOARD.

1624. *Mr. B. C. Roy : (*a*) Will the Government be pleased to state if the present part-time Secretary to the Staff Selection Board draws an allowance of Rs. 200 per mensem and will continue to draw this allowance till this examination is over in addition to the appointment of the Assistant Secretary on Rs. 500 per mensem ?

(*b*) Will the Government be pleased to furnish the reasons for sanctioning these two appointments ?

(*c*) Will the Government be pleased to state whether the above procedure has been followed so as not to deprive the present part-time Secretary of his allowance of Rs. 200 ?

(*d*) Will the Government be pleased to state whether it is a fact that the present part-time Secretary does not attend to the Board's work of correspondence with candidates, etc., regularly every day ; if so, for how long and to how many letters does he reply and on how many files does he note ?

(*e*) If the answer to the above is in the negative is it not a fact that he got the present Assistant Secretary appointed merely to take a greater share of his own normal work besides the work of the examination ?

(*f*) Is it also a fact that the present part-time Secretary gives a nominal interview for one minute to the passed and unpassed candidates ?

(*g*) Will the Government be pleased to state whether it is a fact that the present part-time Secretary does not devote any extra hours before or after office time to the Staff Selection Board's work ?

(*h*) If the reply to the above is in the affirmative, will the Government be pleased to state why his allowance of Rs. 200 should not be retrenched now ?

(*i*) Will the Government be pleased to state for how long the present Assistant Secretary will continue in his post ?

(*j*) Will the Government be pleased to state whether the present part-time Secretary keeps the letters of passed and unpassed candidates unanswered from days to months ; if so, why so ?

The Honourable Sir Alexander Muddiman : (*a*) Yes.

(*b*) It was quite impossible for the part-time Secretary to carry out all the arrangements for the examination in addition to his other work. It was therefore decided to appoint a Special Officer for that work while retaining the Secretary to carry on his ordinary duties. The arrangement has resulted in economy.

The reply to parts (*c*), (*d*), (*e*), (*g*) and (*j*) is in the negative. Part (*h*) does not arise.

(*f*) I understand this is sometimes the case, especially when candidates have been previously interviewed.

(*i*) The Assistant Secretary reverted to his appointment in the Home Department on the 1st September.

AMALGAMATION OF THE STAFF SELECTION BOARD WITH THE HOME DEPARTMENT.

1625. ***Mr. B. C. Roy :** Has it been decided that the work of the Staff Selection Board will be amalgamated with the Home Department and not with the Department of Education ?

The Honourable Sir Alexander Muddiman : The Honourable Member is correct in thinking that that was the intention, but circumstances have since changed. The future of the Staff Selection Board is at present under consideration.

NAMES AND QUALIFICATIONS OF PAST SECRETARIES AND THE PRESENT PART-TIME SECRETARY, STAFF SELECTION BOARD.

1626. ***Mr. B. C. Roy :** Will the Government be pleased to state the name and qualifications of the Secretary of the Staff Selection Board from the start, also the name and qualifications of the present part-time Secretary ?

The Honourable Sir Alexander Muddiman : The names are :

Mr. J. D. V. Hodge,

Mr. R. S. Bajpai,

Mr. J. W. Hearn,

Mr. G. R. Kaye,

Mr. A. S. Lawrence,

Mr. E. H. Brandon.

The main qualification for the post are knowledge of the Secretariat system and good general ability. All the officers selected for the post have possessed these qualifications.

APPOINTMENT OF AN I. C. S. OFFICER AS SECRETARY, STAFF SELECTION BOARD.

1627. ***Mr. B. C. Roy :** (*a*) Will the Government kindly state whether the Staff Selection Board was created to stop the irregular methods of recruitment which used to be formerly practised by the Chief Clerks and Registrars of the Departments ?

(*b*) If the reply to the above question is in the affirmative will the Government be pleased to state why the present post of the Secretary of the Board is held by an Assistant Secretary of a certain Department, who really performs the duties of a Superintendent or a Registrar ?

(*c*) Are the Government prepared to consider the question that in future this post should be held by an I. C. S. Officer and not by a junior officer of the Government of India ?

The Honourable Sir Alexander Muddiman : (*a*) I would refer the Honourable Member to paragraphs 35 to 37 of the Secretariat Procedure Committee's report which show why the Staff Selection Board was set up.

(*b*) Because that is a suitable and economical arrangement.

(*c*) I am afraid I cannot give any such undertaking.

NOMINATION BY THE SECRETARY, STAFF SELECTION BOARD, OF CANDIDATES FOR VACANCIES.

1628. *Mr. B. C. Roy : Will the Government be pleased to state whether the present Secretary of the Staff Selection Board can nominate for vacancies short or long passed or unpassed candidates without the approval of the Chairman or the Board ? Whether he has ever done it, if so how many candidates has he so far nominated without the knowledge of the Board or the Chairman ?

The Honourable Sir Alexander Muddiman : The answer is in the negative.

The Secretary works in close and constant consultation with and under the orders of the Chairman of the Board.

EMPLOYMENT OF PENSIONERS IN THE LOCAL CLEARING OFFICE (ENEMY DEBTS).

1629. *Mr. B. C. Roy : (*a*) Will the Government be pleased to state if the office of the Local Clearing Office (Enemy Debts) has been staffed with 4 or 5 pensioners ?

(*b*) Has this been done with the knowledge of the Staff Selection Board and what are the amounts of pay granted to these pensioners ?

Sir Henry Moncrieff Smith : There are two pensioners on the staff of the Local Clearing Office, which is only a temporary Office dealing with highly technical work in connection with the Peace Treaties. The work of the two posts in which they are employed can only be carried on by men of the ripest experience. Before the first pensioner was appointed the most suitable candidate the Staff Selection Board could provide at the time was tried for a month and found unfitted. An attempt was then made to secure a man of the requisite experience from another Department but none of the men selected as suitable would accept service in a temporary office on the pay offered. It was therefore necessary to employ a pensioner. The second pensioner, who is a retired Registrar of the Railway Board, had been employed for some time in a temporary capacity on special work of peculiar difficulty. As this work proved likely to continue for an indefinite period the opportunity of the recent resignation, on account of ill-health, of the senior assistant on Rs. 300 was taken to bring this man on to the regular staff. None of the candidates the Staff Selection Board could provide would have the experience necessary to deal with this class of work.

The pensioners draw consolidated salaries of Rs. 200 and Rs. 205 per mensem, respectively.

The sanction of the Staff Selection Board was obtained to the first appointment and the sanction of the Home Department, who now deal with such exemptions, has been obtained to the second appointment.

REPRESENTATION OF MEMBERS OF THE LEGISLATIVE ASSEMBLY ON THE STAFF SELECTION BOARD.

1630. *Mr. B. C. Roy : Will the Government kindly state if non-official Members of the Staff Selection Board have been nominated this

year from the Members of the Assembly ; if not, why not and who are the Members who have been appointed as non-official Members ?

The Honourable Sir Alexander Muddiman : The non-official members of the *ad hoc* Board are :

Khan Bahadur Mir Muhammad Khan, and

Mr. U. N. Sen.

They are not Members of the Legislative Assembly. The Government of India did not think it necessary to appoint Members of the Legislative Assembly to the Board, as it has been meeting frequently in Simla while the Assembly has not been in session.

Mr. President : Kumar Ganganand Sinha. Question No. 1631.

Mr. Devaki Prasad Sinha : May I put these questions in the absence of Kumar Ganganand Sinha ? I shall put No. 1640 as the previous questions have already been answered.

Mr. President : No. 1631.

ELECTION OF MEMBERS OF THE LEGISLATIVE ASSEMBLY TO THE GOVERNING BODY OF THE LADY HARDINGE MEDICAL COLLEGE AND HOSPITAL, DELHI.

1631. ***Kumar Ganganand Sinha** : With reference to the answer given by the Honourable Mr. Butler to question No. 581, part (*c*), on 3rd March 1924 to the effect that the suggestion made regarding the election of the Members of the Assembly to the Governing Body of the Lady Hardinge Medical College and Hospital (Delhi) will receive the consideration of the Government, will they be pleased to state :

(*a*) whether the suggestion has been considered or not ; if so, with what results ? if not, why ?

(*b*) whether there was any communication on this point between the Government of India and the Governing Body of the College ; if so, will the Government be pleased to lay it on the table ?

Mr. J. W. Bhore : The attention of the Honourable Member is invited to the reply given by me to Lala Hans Raj's starred question No. 1587.

Mr. President : Kumar Ganganand Sinha. No. 1632.

Mr. K. Ahmed : Do Government propose for the sake of economy not to repeat answers to the same questions notice of which has been given by different Honourable Members ?

Lala Hans Raj : Part (*d*) of No. 1632 has not yet been replied to.

Mr. President : No. 1632.

EXTRAVAGANT EXPENDITURE IN THE LADY HARDINGE MEDICAL COLLEGE.

1632. ***Kumar Ganganand Sinha** : With reference to the answer given to question No. 582 on 3rd March 1924 will the Government be pleased to lay on the table :

(*a*) true copy of the resolution passed by the Governing Body of the Lady Hardinge College regarding the extravagant management ?

(*b*) true copy of the report of inspection made by Lieut.-Colonel Megaw, Director of the School of Tropical Medicine, Calcutta, after the investigation of the internal affairs of the institution ?

(*c*) true copy of the resolution, if any, of the Governing Body authorising some action on the inspection report referred to in (*b*) above ?

(*d*) details of the action, if any, taken on the resolution ?

(*e*) reason for not taking action, if that be so ?

Mr. J. W. Bhore : (*a*), (*b*) and (*c*). Copies of the resolutions passed by the Governing Body and of Lieutenant-Colonel Megaw's report of inspection have been placed in the Library of the Assembly.

(*d*) The Governing Body have addressed an appeal for further financial assistance to the Government of India, who have it under consideration.

(*e*) does not arise.

Mr. President : No. 1633. Mr. Devaki Prasad Sinha..

CLASSIFICATION OF THE LADY HARDINGE MEDICAL COLLEGE AS A PRIVATE INSTITUTION.

1633. ***Kumar Ganganand Sinha** : With reference to the Honourable Mr. Butler's answer to question No. 583 asked on 3rd March 1924 to the effect that the Lady Hardinge College is a private institution with an independent audit and the letter of the Honorary Secretary of the Governing Body dated the 2nd April 1921 published in the official copy of the Assembly debates of 24th March 1924 in connection with question No. 989 will the Government be pleased to state what they precisely mean by ' private institution ' when it is being practically managed and controlled by the officials ?

Mr. J. W. Bhore : The Honourable Member's attention is invited to the reply given by me to Lala Hans Raj's starred question No. 1593.

Mr. K. Ahmed : Is it not a waste of time to repeat the same answers ?

Mr. Devaki Prasad Sinha : I stated in the beginning that I would not ask these questions. If you will permit me, I will ask No. 1640, because all the other questions have already been answered.

Mr. K. Ahmed : Are Government aware that interested people draft a number of questions and approach Honourable Members one by one, who in their turn give notice of the same questions to the Secretary of the Legislative Assembly unnecessarily ?

Mr. President: Will the Honourable Member in charge tell me how many questions have already been answered ?

Mr. J. W. Bhore : Practically all up to 1640.

Mr. Devaki Prasad Sinha : All except 1637.

Mr. President : No. 1634.

RULES OF SERVICE FOR THE JUNIOR AND SENIOR STAFF OF THE LADY HARDINGE MEDICAL COLLEGE, DELHI.

1634. ***Kumar Ganganand Sinha** : With reference to question No. 626 put on the 3rd March 1924 and reply given thereto regarding the rules of service for the junior and senior staff of the Lady Hardinge College will the Government be pleased to call for and lay on the table a copy of the

rules which apply equally to Europeans and Indians and state how they can be discriminated from clauses of the agreement of service, in the College ?

Mr. J. W. Bhore : Copies of the agreement forms for the senior and junior staff recruited from England, whether European or Indian, have been placed in the Library of the Assembly. There are no special rules of service drawn up for those recruited in India.

AUDIT INSPECTION NOTE AND AUDIT OBJECTION STATEMENT RELATING TO THE LADY HARDINGE MEDICAL COLLEGE, DELHI, FOR THE PERIOD ENDING 30TH SEPTEMBER 1923.

1635. ***Kumar Ganganand Sinha :** With reference to question No. 586 put on the 3rd March 1924 and question No. 991 put on 24th March 1924, will the Government be pleased to lay on the table :

(*a*) audit inspection note for the period ending 30th September 1923 ;

(*b*) audit objection statement for the period ending 30th September 1923 ?

Mr. J. W. Bhore : A copy of the Audit Inspection Report and the audit objections has been placed in the Library of the Assembly.

DATE OF PUBLICATION OF THE QUINQUENNIAL REPORT OF THE LADY HARDINGE MEDICAL COLLEGE, DELHI.

1636. ***Kumar Ganganand Sinha :** With reference to question No. 987 put on 24th March 1924 will the Government be pleased to state the reason why the quinquennial report of the Lady Hardinge College was not issued in 1923 and the probable date of its publication ?

Mr. J. W. Bhore : The attention of the Honourable Member is invited to the reply given by me to Lala Hans Raj's starred question No. 1592.

AFFILIATION OF THE SCIENCE AND MEDICAL DEPARTMENTS OF THE LADY HARDINGE MEDICAL COLLEGE TO THE DELHI UNIVERSITY.

1637. ***Kumar Ganganand Sinha :** Are the Government aware of the fact that neither the science nor the medical department of the Lady Hardinge College is affiliated to the Delhi University ? If so, do the Government contemplate to affiliate them to the said University ?

Mr. J. W. Bhore : Yes. The matter is one for the consideration of the Governing Body and the Delhi University.

EMPLOYMENT OF INDIAN PROFESSORS IN THE LADY HARDINGE HOSPITAL, DELHI.

1638. ***Kumar Ganganand Sinha :** With reference to the answer given to Pandit Krishnakant Malviya on the 3rd March that Indian Professors will be employed in the Lady Hardinge Hospital to fill the vacancies advertised, will the Government be pleased to state the names of Indians, if any, employed. If no Indian is employed, why is it so ?

Mr. J. W. Bhore : This has already been answered.†

† *Vide* answer to question No. 1588.

ANNUAL GRANT TO THE LADY HARDINGE MEDICAL COLLEGE, DELHI.

1639. **Kumar Ganganand Sinha** : Will the Government be pleased to lay on the table a statement indicating the condition on which an annual grant of Rs. 2 lakhs is given to the institution ?

Mr. J. W. Bhore : This has already been answered.†

RAISING OF THE LEVEL OF THE RAILWAY LINE BETWEEN KHARIK AND SAHEBPURKAMAL STATION ON THE B. N. W. RAILWAY.

1640. *Kumar Ganganand Sinha : (*a*) Is it a fact that the B. N. W. Ry. is raising the level of the railway line between Kharik and Sahebpurkamal stations by 3 feet ?

(*b*) Are the Government aware of the fact that the embankment, over which the B. N. W. Railway trains pass between Kharik and Sahebpurkamal stations, checks the flow of water to the other side and year after year for the last 7 years causes flood on that side of it on which the Ganges flows ?

(*c*) Are the Government aware of the fact that these floods invariably bring with them famine and pestilence and cause innumerable loss of life and property ?

(*d*) Are the Government aware of the fact that the B. N. W. Railway realises from the people of the flood-stricken area contributions to defray the expenses of the patrol police guards, that are kept during the rainy season, to prevent the distressed people from causing a breach in the line ?

(*e*) Are the Government aware of the fact that the exasperation of the distressed people, numbering about 2 lakhs, is so great that they effected the breach of the railway line on more than one occasion ?

(*f*) Is it a fact that the villagers of the flood-stricken area have been constantly sending representations to the railway authorities about the flood for the last few years but no permanent measure to relieve their distress has been adopted ? If so, are the Government prepared to ask the Bihar and Orissa Government and B. N. W. Ry. for detailed information why nothing satisfactory has been done to meet the situation and why the embankment is being raised, and lay the information on the table when it is received ?

Mr. A. A. L. Parsons : (*a*) The Bengal and North-Western Railway has raised a flood berm about 3 feet high along the railway embankment between Thana-Bihpur and Pasraha.

(*b*) Yes, Government are aware of the fact that the Bengal and North-Western Railway embankment between Kharik and Sahebpurkamal stations checks the flow of flood water from the Ganges towards the north, and that for the last 7 years the Ganges floods on the south side have risen to a higher level than the flood water on the north side. The railway embankment between these places follows closely the watershed between the river Ganges on the south and the Bur Gundak, Tiljuga and Kosi rivers on the north, this section of the line having been designed in accordance with decisions arrived at as a result of investigations initiated by a meeting held at Bhagalpur under the Chairmanship of the Commissioner in December 1898. The object of aligning this section of

† *Vide* answer to question No. 1589.

railway along the watershed was that it should interfere as little as possible with the natural spread of the flood waters from these rivers, and as the country was subject to inundation on both sides of the railway alignment it was decided to carry the line on a more or less continuous embankment in order that the effect of the annual floods might be localised as far as possible in the areas to the north and the south and with the idea that the damages caused by such floods should be minimised as much as possible. Experience has shown that cuts which have been made in the railway embankment by the inhabitants of the neighbouring tracts, when they have been submerged, have not resulted in any substantial reduction in the level of the floods on the two sides of the embankment, and as a matter of fact the embankment often acts beneficially by confining the floods to one side to the advantage of the other. As mentioned above, for the last 7 years the floods in the Ganges have risen to a higher level than those on the north, but in view of the enormous volume of water which comes down the Ganges at such times of very high flood the effect that would be produced if there were flood openings in this embankment would only be to cause more severe floods on the north of the embankment without affording much relief to the area between the embankment and the Ganges.

(*c*) Government are aware that the hardships enumerated are usually associated with extensive floods.

(*d*) No such contributions are realised by the Bengal and North-Western Railway Administration.

(*e*) Yes.

(*f*) There have been representations in this matter from time to time and the problem is one that has received perpetual attention on account of the anxiety that is annually caused by the floods to the Railway Administration. It seems doubtful however whether any reasonable way of improving conditions can be found in view of what is stated above in the reply to (*b*).

Mr. Devaki Prasad Sinha : In view of the serious admissions made by the Honourable Member, may I ask if the Government have considered any steps which would remove the difficulty which the Honourable Member himself admits ?

Mr. A. A. L. Parsons : I have already explained that the difficulty seems to be insuperable.

Mr. Devaki Prasad Sinha : In view of the insuperable character of the difficulty, as the Honourable Member has stated, do Government propose to consider the question of dismantling the line altogether in order to save about two lakhs of people in the flood-stricken area ?

Mr. A. A. L. Parsons : No, Sir.

Mr. Devaki Prasad Sinha : Do Government consider that the existence of the lives of two lakhs of people is less important than a railway line extending over 7 miles ?

(No answer.)

Mr. Devaki Prasad Sinha : May I take it that the Honourable Member is not answering that question ?

(No answer.)

Mr. Devaki Prasad Sinha : Is a plan for building an embankment along a railway line considered by any Government official before it is finally sanctioned ?

The Honourable Sir Charles Innes : I can give the Honourable Member a general answer. Might I suggest that he should study the very careful answer that we have given and then, after studying it, if he would like to come round and have a talk with the Railway Board, we shall be most happy to discuss the question. On this very technical question we have given a very carefully prepared answer, and neither Mr. Parsons nor myself are prepared to discuss in detail a technical engineering question of this kind.

Mr. Devaki Prasad Sinha : May I ask the Honourable Member if he is prepared to consider representations which have so far been received by the Local Government without any result and to discuss matters with those who are interested in this question ?

Mr. A. A. L. Parsons : We have considered all the representations received, as I have already informed the Honourable Member.

Mr. Devaki Prasad Sinha : Have all these representations been considered and disposed of, or are they still pending ?

Mr. President : The Honourable Member has had a very full and fair answer.

UNSTARRED QUESTIONS AND ANSWERS.

Discharge of Devi Chand, Points Jamadar at Kasur, N. W. Railway.

290. **Lala Hans Raj :** (*a*) Is it a fact that one Devi Chand, Points Jamadar at Kasur, North-Western Railway, has been discharged owing to his old age while Allah Ditta and Fazal Din who are older than him are still in service ? If so, will the Government please state the reason for doing so ?

(*b*) Is it a fact that in his old age the said Devi Chand's whole property was taken away by thieves from the quarters at Kasur railway station ?

(*c*) Is it a fact that the said Devi Chand has, in spite of many representations made to different authorities, since he was discharged, not received any gratuity ?

(*d*) Is it a fact that the said Devi Chand received one letter, dated 7th January, 1924, about a year after his discharge, from the District Traffic Superintendent, Bhatinda, informing him that " gratuity amounting to Rs. 162 has been sanctioned by the Agent, Lahore and you will be called in this office to receive payment when the pay order is passed by the Chief Auditor, Lahore " but has not yet been granted the same ?

Mr. C. D. M. Hindley : (*a*), (*b*), (*c*) and (*d*). Government have no information and cannot undertake to inquire. A copy of the question has however been sent to the Agent, North-Western Railway, and he will doubtless take such action as is required.

TRANSFER OF THE STATION MASTER, KASUR.

291. **Lala Hans Raj**: (1) Will the Government please state how many Muhammadans and Hindus were employed at Kasur railway station, North-Western Railway, previous to the present station master and how many are employed at present ?

(2) Will the Government please state :

(*a*) After how long one executive officer in civil and railway service is transferred from one station to another ?

(*b*) Since when the present station master is employed at Kasur ?

(*c*) Why the present station master has not been transferred after his three years' stay at Kasur ?

Mr. C. D. M. Hindley: (1) and (2) (*b*). Government have no information.

2 (*a*) and (*c*). There is no rule requiring a station master to be transferred after any given period.

CREATION OF A THIRD DIVISION IN THE GOVERNMENT OF INDIA SECRETARIAT.

292. **Lala Hans Raj** : 1. Is it a fact that a Third Division is being created only in the Secretariat ? If so what has led the Government to do so ?

2. Is it a fact that general dissatisfaction and disappointment is being felt amongst the Lower Division Clerks of the Government of India Secretariat ?

3. If the answer to above question is in the affirmative, why do the Government contemplate the creation of a Routine Division in the Secretariat offices only and thus differentiate their salaries by a large margin as compared to the existing Lower Division ?

4. Will the Government please state what is the present rate of pay of the Lower Division in the Army Headquarters ? Why is not the same grade introduced in the Secretariat in place of the one now under consideration ?

5. After the creation of the Third Division, will the Government please state who would be the men placed in the Lower Division and what nature of work is expected of them ?

6. Are the Government aware that there are many Upper Division Assistants in the Secretariat and attached offices who are doing purely routine or very less important work ? If so, do the Government contemplate at the same time the introduction of a similar grade in their Division ?

The Honourable Sir Alexander Muddiman: 1. With the exception of the Headquarters, Royal Air Force, Simla, where a third division is already in existence, a third division has so far been created in the Secretariat only. It has been created in the interests of economy and in view of the recommendation made by the Indian Retrenchment Committee in paragraph 8 on page 128 of their Report.

2. I am not aware that such dissatisfaction or disappointment exists.

3. Does not arise.

4. I am sending the Honourable Member a statement showing the rates of pay of the Lower Division in Army Headquarters. These rates have not been introduced in the Secretariat, because Government considered that the new rates were more suitable.

5. It is for each Department of Government to decide what men will be placed in the Lower Division and what work will be taken from them.

6. The answer to the first part of the question is in the negative. The second part therefore does not arise.

CLERKS UNDER THE EFFICIENCY BARS IN THE LOWER AND UPPER DIVISIONS OF THE GOVERNMENT OF INDIA SECRETARIAT AND ATTACHED OFFICES.

293. **Lala Hans Raj** : 1. How many men of the Lower Division in the Secretariat and attached offices are under the efficiency bar and how many of them are Muhammadans, Hindus and Anglo-Indians ?

2. Does any such efficiency bar exist in the Upper Division ? If so, at what pay and how many men of that Division are under efficiency bar in different offices and of different communities ?

The Honourable Sir Alexander Muddiman : 1. There are 459 clerks below the efficiency bars in the Lower Divisions of the Secretariat and attached offices. Of these 93 are Muhammadans, 328 Hindus and 35 Anglo-Indians. This includes 3 Muhammadans, 7 Hindus and 6 Anglo-Indians, whose promotion has been stopped at the efficiency bars.

2. Yes. The efficiency bar in the Upper Division of the Secretariat is at Rs. 365. In the Attached Offices the efficiency bars are at Rs. 200 and Rs. 300 in the offices of the Director General, Indian Medical Service, Chief Controller, Stores, and Director, Intelligence Bureau ; at Rs. 200 in the offices of the Director General, Archæology, and Director, Public Information ; at Rs. 332 in the Branches of Army Headquarters ; and at Rs. 270 and Rs. 450 in the Military Accountant General's Office.

43 Muhammadans, 205 Hindus, 87 Anglo-Indians, 7 Europeans and 2 Indian Christians in the Upper Divisions of the Secretariat and Attached Offices are below the efficiency bars. None of these men have been stopped at the efficiency bars.

RENT-FREE QUARTERS AT RAISINA, DELHI.

294. **Lala Hans Raj** : Do the Government contemplate giving rent-free quarters at Raisina, Delhi, like all other services in India when they fix up their offices at Delhi ?

The Honourable Mr. A. C. Chatterjee : The answer is in the negative.

MATCH FACTORIES IN INDIA.

295. **Pandit Madan Mohan Malaviya** : Will the Government be pleased to state (*a*) if they are aware that a powerful Swedish combine is being formed to establish match factories in India on an extensive scale, and (*b*) whether any concessions are being obtained for them or foreign enterprises from Provincial Governments through intermediaries in India ?

(2) Will the Government be also pleased to state whether any, and if so, what concessions or facilities or encouragements have been given

by Provincial Governments to the Indian match factories already in existence at Ahmedabad and the Sundarbans and to the match factory which has nearly been completed at Shahdara (Lahore) ?

The Honourable Mr. A. C. Chatterjee : 1. (*a*) Government have seen statements to this effect in the press.

(*b*) No concessions have been granted as far as the Government of India are aware.

2. The Government of India understand that the only concession which the Government of Bengal have granted is one to the Bande Mataram Match Factory at Tollygange, Calcutta, giving them a lease of a forest block in the Darjeeling Forest Division for 30 years subject to certain conditions. The Punjab Government have, it is understood, leased some ground to the firm of Sir Daya Kishan Kaul Sons and Company for constructing a match factory at Shahdara near Lahore. The Government of India have no information regarding any concessions granted by the Government of Bombay to the factory at Ahmedabad.

VIEWS OF LOCAL GOVERNMENTS AND LEGISLATURES ON THE RECOMMENDATIONS OF THE LEE COMMISSION.

296. **Diwan Bahadur M. Ramachandra Rao :** Do the Government intend to obtain the views of the Local Governments and the Legislative Councils in the Provinces in regard to the recommendations of the Lee Commission and place the same on the table before the discussion of the subject in this House ?

The Honourable Sir Alexander Muddiman : Copies of the correspondence between the Government of India and Local Governments on the recommendations of the Lee Commission have been laid on the table*. Any expression of opinion by Provincial Legislatures is a matter for local arrangement.

SLEEPERS FOR THE NORTH-WESTERN RAILWAY.

297. **Lala Duni Chand :** (*a*) Will the Government be pleased to state the capacity of the treating plant belonging to the N. W. R. at Dhilwan for daily outturn, of treated sleepers ?

(*b*) Will the Government be pleased to state the price at which the chir and fir sleepers for treating at Dhilwan are being purchased by the N. W. R. ?

(*c*) Will the Government be pleased to state the percentage of rejections of the fir and chir sleepers before they are treated in the N. W. R. plant at Dhilwan ?

(*d*) Will the Government be pleased to state if it is a fact that each fir and chir sleeper when treated in the plant at Dhilwan costs the N. W. R. about Rs. 7-4-0 ?

(*e*) Will the Government be pleased to state how long a treated sleeper lasts on road line, and how long a deodar sleeper lasts on road line ?

(*f*) Will the Government be pleased to state what is the market rate of deodar sleepers at present, and how does the treated sleeper compare in price with the present market rate of a deodar sleeper ?

**Vide* Appendix " A " printed with the Debates of the 8th September, 1924.

Mr. C. D. M. Hindley : (*a*) The maximum outturn of treated sleepers from the Dhilwan Depot is about 1,500 per day and the average about 1,100 per day.

(*b*) Under the present contract, the North-Western Railway is paying Rs. 4 per sleeper for fir and chir sleepers taken in equal quantities.

(*c*) Usually the rejections at Dhilwan before treatment are between 1 and 2 per cent, but if the sleepers, particularly fir, have to pass a summer in the Depot before treatment, the rejections may rise to about 5 per cent.

(*d*) Each fir and chir sleeper treated in the plant at Dhilwan, costs the North-Western Railway from Rs. 6-4-0 to Rs. 6-8-0 at present, including the original cost of the sleeper itself and the loss due to rejections before treatment. It is expected that this will be gradually reduced in course of time.

(*e*) The life of a deodar sleeper in the road is about 15 years. Government have not sufficient experience of treated fir and chir sleepers to be certain as to their life in the road, but it is anticipated that their life will be about 12 years.

(*f*) The present market price of a deodar sleeper is about Rs. 7, and for comparison with this, a treated fir or chir sleeper should cost Rs. 6-1-0 about, on the life basis given in the reply to (*e*).

North Western Railway Contract for Sleepers.

298. **Lala Duni Chand :** (*a*) Will the Government be pleased to state if it is a fact that a sub-committee of the members of the Central Advisory Committee was appointed to go into the five years, N. W. R. sleepers, contract ?

(*b*) If the reply to the above be in the affirmative will the Government be pleased to state the names of the members of this committee ?

(*c*) Will the Government be pleased to state (*i*) the terms of reference to this sub-committee and (*ii*) if the sub-committee was authorised to take non-official evidence ?

(*d*) If the reply to part (*c*) (*ii*) be in the negative will the Government be pleased to state the reason why non-official evidence has been excluded ?

(*e*) Will the Government be pleased to lay on the table the report of the sub-committee of the Central Advisory Committee ?

Mr. C. D. M. Hindley : In accordance with an undertaking given by the Honourable the Railway Member in reply to a question by the Honourable Mr. N. M. Samarth on 23rd July 1923, in the Legislative Assembly, the facts relating to certain contracts for sleepers made by the North-Western Railway were placed before the Central Advisory Council in February last and the matter was remitted by them for examination by a sub-committee of the Council consisting of :—

1. Mr. A. A. L. Parsons, I.C.S., Financial Commissioner, Railways.
2. Sir Campbell Rhodes, C.B.E., M.L.A.
3. The Honourable R. B. Lala Ram Saran Das, C.I.E., and
4. Babu Khitish Chandra Neogy, M.L.A.

It was decided that the sub-committee should submit their report to the whole Council, but no terms of reference were drawn up, nor was the Committee authorised specifically to take any particular evidence. In accordance with an undertaking given by the Honourable Railway Member to the Central Advisory Council, the Agent of the North-Western Railway was present when the matter was considered by the sub-committee and was interrogated by them. But the sub-committee was not in any sense a judicial body and had no authority to call other persons to give evidence before it.

The reports submitted by members of the sub-committee are laid on the table.

Report of the Sub-Committee to consider the N. W. Railway sleeper contract.

A Sub-Committee was appointed by the Central Advisory Council at its meeting of the 16th February to consider and report on the question of the North-Western Railway sleeper contract. The Sub-Committee consisted of—

Mr. A. A. L. Parsons, I.C.S.

Sir Campbell Rhodes, C.B.E., M.L.A.

The Honourable R. B. Lala Ramsaran Das, C.I.E.

Babu Khitish Chandra Neogy, M.L.A.

Two meetings were held on the 23rd February and 21st March, and it was decided at the latter that each member should note on the following distinct issues :—

(1) In calling for a five-year contract for whole or part supply in October 1922 did the Railway Administration exercise ordinary business prudence ?

(2) Should the whole contract have been given to Messrs. Spedding and Company ?

(3) Should the terms have been varied after the acceptance of the contract ?

(4) Are there any specific points which from a consideration of this case the Central Advisory Council might suggest for investigation by the officers who are enquiring into the best method of obtaining sleepers in future ?

The notes were considered at a meeting held on 26th March, and it was decided that in view of the divergence of opinions disclosed it would be more helpful to the Council if all of them were submitted *in extenso*.

Copies of the several notes are attached for information of the Council.

NOTE BY THE HONOURABLE RAI BAHADUR LALA RAM SARAN DASS, C.I.E.

In July 1923 a series of questions on the manner of purchasing coniferous sleepers by the North Western Railway were asked in the Indian Legislative Assembly. In reply to question No. 352 put by Mr. Samarth the Honourable Sir Charles Innes stated that "the manner of placing contracts for the supply of sleepers will be re-examined in the light of a contract and all the facts will be placed before the Central Advisory Council for Railways." A meeting of the Central Advisory Council was held on the 16th February 1924 and there it was decided that a sub-committee of the Council should first examine the matter and submit their report to the whole Council. The sub-committee framed the following four issues :—

1. In calling for a 5-year contract for a whole or a part supply during 1922 did the Railway Administration exercise ordinary business prudence ?
2. Should the whole contract be given to Speddings ?
3. Should the terms have been varied after the acceptance of the tender ?
4. Future suggestions regarding pools, etc.

Issue No. 1.—Ordinary business prudence required that the North-Western Railway should obtain its supplies at the cheapest rates provided the material at the same time was of good quality. The Railway Administration was not wise in making a contract of 5 years in advance. Even in war times the prices had not ordinarily risen beyond Rs. 8 per sleeper deodar. We have now been passing through a period of falling prices, and it could not be expected that prices would rise above Rs. 8 per sleeper, the rate at which the Railway proposed to purchase according to this 5 years' contract. As businessmen the North-Western Railway authorities should have known, as other big traders in the field did know, that the very firm Spedding and Dinga Singh with whom they were placing the contracts for the supply of conferous sleepers have as co-partners of the Punjab Government in the Talwara Saw Mills obtained very valuable concessions from the Punjab Government (*vide* agreement between the Secretary of State for India on the one hand and Bawa Dinga Singh on the other hand, dated 21st August 1922, referred to in the evidence of Mr. Gibson before the Public Accounts Committee of the Punjab Legislative Council—page 64 of the Report and page 77 of the same Report)—and that the Forest Department of that Province had agreed to sell to Bawa Dinga Singh B. G. Deodar at Rs. 6-4-0 per sleeper, Cheel Rs. 3 per sleeper and Fir at Rs. 2-12-0 per sleeper. In April 1923 these rates were subsequently revised. The rates of B. G. Deodar were raised from Rs. 6-4-0 to Rs. 6-8-0 and of soft wood to Rs. 3-3-6 per sleeper. The North-Western Railway authorities were under these circumstances quite unjustified in purchasing at such high prices as Rs. 7-15-0 for B. G. Deodar, Rs. 4-6-0 for Cheel and Rs. 3-12-0 for Fir. The Railway authorities for accepting these terms rely on two things. They say that Mr. Gibson, the Chief Conservator of Forests, advised that the prices were expected to rise. I doubt very much whether Railway authorities whose interest it is to purchase things as cheaply as possible were right in taking in this matter the advice of one of their own contractors, the Punjab Forest Department, whose interest must obviously be to secure for their Forest produce as high a price as possible. But apart from this the Railway Administration should have seen that the recent contract of the Chief Conservator of Forests, Punjab, with Bawa Dinga Singh was quite opposed to the alleged advice of the Conservator. And does not the Punjab Government a few months later close down their own Saw Mills on the ground that with prices prevailing in the market it was no longer profitable to run the concern. The second ground on which the Railway authorities rely for accepting such high rates from Spedding and Company for 5 years in advance is said to be that the other tenderers also had offered prices not only very different from Speddings but some of them offered two sets of prices, lower ones for the first two years or so and higher ones for the next three years. The Railway authorities from this argue that there was evidence for prices in subsequent years to rise. If the Railway Administration had been a little more prudent and foresighted they would have at once seen the reason for these two sets of prices. In the first place they must have known that the forest leases of many of the tenderers were about to expire in one or two or three years. Naturally the tenderers could not be sure about the market two or three years hence. It depended on how and by whom the future forest leases were to be worked. The wisest and best course for the Railway authorities should have been to see what happened when two years hence the forest leases of many of the tenderers expired. Under these circumstances the contracts should also have been limited to a smaller number of years preferably for one year only. And as regards high quotations by the tenderers, quotations much higher than the prevailing market rates, who was responsible for this? Did not the Chief Engineer of North-Western Railway himself in his letter No. P.-743-Miscellaneous, dated 11th March 1922, to the Chief Conservator of Forests, Punjab, offer to purchase B. G. Deodar at Rs. 8, M. G. Deodar at Rs. 4-2-0 and Cheel or Fir B. G. at Rs. 4? If the Chief Engineer himself is willing to offer such high prices to the Punjab Forest Department naturally it means that he invites the traders to demand the same high prices. I am convinced the North-Western Railway Administration was unwise in fixing contracts for 5 years in advance and at such high rates. The advice alleged to have been given to them by the Chief Conservator of Forests, Punjab, could not be supported by facts. In view of the falling prices the same Chief Conservator had to close down his pet scheme of Saw Mills for fear of its being a losing concern. The same Chief Conservator had a few months previous to this contract sold his own forest produce at much cheaper rates than what the Chief Engineer, North-Western Railway, accepted from Speddings. I find it impossible to think that the Railway authorities were prudent in making this long period contract at such high rates.

Issue No. 2.—The second point is whether it was wise to give the whole contract to one firm. In this matter too I cannot support the action of the Railway authorities. They seem to think that by eliminating the competition of other timber merchants they could bring down the prices of sleepers. Have the creation of monopolies ever

reduced prices? The Railway authorities seemed to think that if competition in obtaining forest leases could be eliminated, forest leases could be obtained at cheaper rates from the owners of forests. As a matter of fact we find the acceptance of monopolist rates from Spedding has brought about for them increased rates for forest lease in the Kashmir State. But even if the rates for forest leases went down, the Railway authorities have made too large an assumption in this matter. Such a state of affairs would only swell the profits of the monopolists without in any way lowering the prices. Even recent instances show that where the Speddings obtained their supplies at very cheap rates, *viz.*, Rs. 6-8-0 per sleeper they have not reduced their prices charged from the Railway. By giving the whole contract to one firm the Railway Administration can never succeed in lowering prices. It is only under a healthy competition that prices can be lowered. The Railway authorities say that in pre-war times when the bulk of the purchases were made from Spedding the prices were low. In the war times on account of scarcity of supplies contracts were given to others also. They now argue that because purchases were made from several firms the prices went up. Here there is another large assumption. Who ever heard saying that the existence of a large number of sellers in the market raises the prices? I am surprised that the Railway Administration should hold such a view wholly opposed to all well-known and well-tested economic principles. The prices in the war times went up not because there were too many sellers in the field, but because there were still larger a number, much too large a number, of buyers at the same time. After the war the number of buyers has suddenly gone down, while the number of sellers still remains at a high figure. The Railway Administration in this instance has without benefiting itself tried to injure the timber trade as a whole. By creating a monopoly it will bring about the ruin of all indigenous enterprise. Moreover there is another point to be taken into consideration. Before giving contract to one individual firm the Railway Administration should have seen whether the firm patronized had sufficient resources to meet the demands. In the pre-war times Spedding and Company no doubt possessed large forest areas on lease. They could then no doubt supply over 6 lakhs Deodar sleepers annually. But the Railway Administration should have known that Spedding and Company had been ousted from the Krishna-Ganga forest (Kashmir) by X in 1914. They were ousted from Chamba forests by Y in 1915. They are no longer working in Kulu since 1919. Bawa Dinga Singh has no forest on lease and he never had any. Spedding and Company in 1922 were already booked with North-Western Railway for 2,500,000 sleepers annually up to 1926. At the time of taking this new 5-years contract Speddings did not possess any resources in the shape of their own forests for meeting the obligations under this new contract. It was after this contract that the firm obtained another lease in the Kashmir State. But in view of the monopolist rates they had obtained from the Railway Department they had to pay higher rates for this lease. From this source they cannot supply more than 75,000 sleepers. The total output of this firm from their own forests at present is said to be about 3,25,000 sleepers annually. In August 1922, Punjab Government had no doubt agreed to sell to Bawa Dinga Singh Deodar and soft wood at much cheaper rates but in April 1923 their supply from Punjab Government was restricted to 1,25,000 B. G. Deodar at Rs. 6-8-0 and 75,000 Cheel at Rs. 3-3-6. It means that the total commitments of Spedding and Company at present are 7,50,000 Deodar annually and 6,00,000 soft wood sleepers annually. Against these commitments the firm is said to have a supply of 3,25,000 Deodar annually from their own forests, and a supply of 1,25,000 Deodar and 70,000 Cheel sleepers from Punjab Government annually. That is to say, they can supply annually about 4,50,000 Deodars and 70,000 Cheel from their own resources. The remaining 3,00,000 Deodars and 5,30,000 Cheel and Fir they have to take from the Bazaar. So far as their supply from the Government and their purchases from the Bazaar are concerned Spedding and Bawa Dinga Singh are merely middlemen. They have offered to purchase 65,000 sleepers from Z one of the unsuccessful tenderers, on a commission of Re. 1-4-0 per sleeper. They have purchased sleepers from others also at a big profit. From Government of the Punjab and from Tehri, Garhwal, they have been able to make a high profit. They purchase from them sleepers at Rs. 6-8-0 and sell it to Railway Department at Rs. 7-13-0. The North-Western Railway before giving a long term contract to Speddings should have satisfied itself as to whether the firm possess a sufficient supply of their own. This I am convinced, they have failed to do. No doubt, in the past this firm had been fulfilling its obligations to the satisfaction of the Railway Administration. But then it must be remembered that the resources of the company were formerly much larger. They possessed large number of forests on lease. That is no longer the case. The Railway authorities should have seen that it was now no longer possible for this company to meet their much heavier commitments from their own resources. To create a monopoly in their favour under such circumstances would only result in ruining all the other indigenous firms in the trade, and in benefiting and patronizing

only this one European firm, of which Bawa Dinga Singh, is only a nominal partner. This could hardly have been the object of the North-Western Railway. We are told that Y had in the past been unsatisfactory inasmuch as they had not been regular in their supply. The Agent, North-Western Railway, himself admits that the Railway had not direct dealings with this firm. Even in cases where they appeared to have dealings of some sort with the Railway Department it has not been shown that the firm, excepting one, were at fault for any delay that may have occurred in the delivery and quality of the supplies. I believe there were many reliable tenderers, A was one who could supply sleepers to the Railway authorities from his own forests at lower rates. It appears that the Railway Administration was too hasty in accepting the tender of Speddings, and I am convinced they were not wise in rejecting all the offers of the others. At any rate the tenders should have been accepted in part from more than one tenderer. We have had no opportunity of examining the unsuccessful tenderers. If we had that opportunity I believe they would have given us sufficient material to judge whether the allegations of the Railway Department against other firms hold any water. The North-Western Railway has in my opinion been unjust in this matter to the other firms and they are not in their own interests wise in giving the whole contract to one firm and thus creating a monopoly which may become its own dictator in the future.

Issue No. 3.—The Railway Administration was not at all justified in varying the terms in the tenders. They have by these variations unduly favoured Spedding. In not requiring this firm to deliver sleepers f.o.r. the Railway Administration has given them a concession of one anna per sleeper which means to them a subsidy of about Rs. 1,56,250. By allowing them to supply only 85 per cent. first class they have given them a concession of 3 annas per sleeper on B. G. Deodar and 2 annas per sleeper on soft wood. This means to them a subsidy of about Rs. 8,43,750. In allowing the company to sub-let or assign their contract on commission to other firms and being able to purchase their supplies from the Government Forest Departments and others at very low rates the Railway Administration have put into the pockets of Spedding and Company about 40,00,000 of rupees in 5 years. If this company had been required in accordance with the terms of the tender to deposit 5 per cent. of the value of the goods to be delivered they would have been made to deposit over 14,00,000 of rupees. To finance such a big amount is not an easy thing and that meant a grant concession to the firm. All these variations of the terms of the tender will give I think to Spedding and Company something like 50,00,000 rupees in 5 years, in addition to the interest charges, they would save in not being made to deposit 14,00,000 of rupees as security. Had the other firms anticipated these changes in the terms of the tender the Railway Administration would have obtained very favourable terms from such firm. I believe in doing this the Railway authorities have made a serious mistake.

Issue No. 4.—The present system of pool, I am convinced, is wholly wrong. In pre-war times Messrs. Spedding and Company possessed in the Punjab a sort of monopoly. They possessed leases of most of the forests. At that time there were hardly any Indians in the timber business. In war times as every source for the supply of timber was stopped Indians also got an opportunity of entering the field. In a few years time the Indian firms obtained leases of some of the forests and were able to oust Spedding from the field to some extent. The creation of a monopoly in favour of Spedding has not only compelled the Punjab Government to close down their own timber saw mills concern and made them suffer a loss of about 7,00,000 but have also practically killed all indigenous enterprise in the timber trade. It is said that Bawa Dinga Singh is a partner in the firm of Spedding and Company and therefore the firm is not entirely European. But it must be remembered that Bawa Dinga Singh or Pandit Rishi Ram are only nominal partners in the firm. The firm is for all intents and purposes a European firm, and in giving a long term contract to this firm the Railway Administration are killing the entire Indian Industry in this line. In creating this monopoly the Railway too will not obtain any advantage. the present contracts have shown that the system of pools in neither for the advantage Time will come when on the removal of competitors from the field Spedding and Company will be able to dictate their own terms to the Railway and it will mean not cheap supply to them, which I hope is the object they want to attain. From this point also the creation of monopolies is inadvisable. Creation of pools for the purchase of sleepers vests too much power in one centre. This is undesirable, and the present contracts have shown that the system of pools is neither for the advantage of the country nor for the advantage of the Railways.

RAM SARAN DAS.

The 16th March 1924.

NOTE BY MR. K. C. NEOGY.

Issue No. 1.—The Railway authorities told us that the principal justification for this 5-year contract was that Deodar was getting scarce, and that they relied upon the expert opinion of Mr. Gibson, Chief Conservator of Forests in the Punjab, in support of this proposition. The Minutes of the discussion that took place on the subject between Mr. Gibson and the Railway authorities were read out to us, and it is to be noted that while Mr. Gibson expressed the view that the supply of Deodar was absolutely limited, in a later part of the Minutes he is reported to have stated that that was the worst period for entering into a 5-year contract, and further that no trader could quote favourable rates for 5 years. I fail to see how the Railway could reasonably act upon one part of Mr. Gibson's opinion overlooking the other part which bears more directly upon the question of advisability of a 5-year contract. As this expression of Mr. Gibson's opinion was not available to us when the Agent of the North-Western Railway appeared before the sub-committee, we could not get an elucidation on the point from him. We should have liked to ascertain whether there were any facts or circumstances justifying the rejection of the latter part of Mr. Gibson's opinion. It does not seem to me that the Railway Administration is justified in invoking the authority of Mr. Gibson in support of the decision to call for tenders for a 5-year contract. If Mr. Gibson's opinion is to be taken to have been their sole guide in this matter, I must clearly come to the conclusion that the Railway administration have failed to establish that they exercised ordinary business prudence in this matter.

As to whether the Deodar timber market could be reasonably expected in the autumn of 1922, to rise, it does not appear to me that there was any justifiable apprehension on this ground. Our attention was drawn to a statement made by Mr. Gibson before the Public Accounts Committee of the Punjab Legislative Council, on the 22nd September 1923, in which he referred to the fact that the state of the timber market in August 1922 was not brilliant (from the point of view of the seller).

The question of "whole or part supply" raised in this issue, is of a purely academic character, for the Agent, North-Western Railway, admitted with commendable frankness that the Railway authorities had decided, at the time of calling for tenders, to place the whole contract with one reliable firm, that the Engineers were definitely against part tenders, that monopolies tended in their view to keep down prices, and the only object in calling for tenders was merely to test the market. The call for tenders "for whole or part supply" was, in this view of the matter, more or less a formality.

Issue No. 2.—As stated above the Railway administration favour the creation of monopolies in the matter of sleeper supplies; and the only reason given by the Agent, North-Western Railway, in support of this position, was that by eliminating competition for forest leases, monopolist contracts have a tendency to reduce the royalty for timber and eventually to lower the price of sleeper. Even assuming that this policy may lead to a reduction of royalty for forest lease, there is no ground for supposing that the monopolist would allow the Railway to reap any advantage from such reduction, in the shape of reduced prices. It is difficult for me to support a policy which destroys competition among contractors. By creating a monopoly in favour of a firm, the Railway may be setting up a future dictator of sleeper rates.

The Railway authorities had admittedly made up their mind to place the entire contract with one firm, at the time of calling for tenders. And judging from all circumstances one may be led to believe that they had also made the selection of that one firm about the same time. The memorandum prepared by the Railway Board on the subject states that the North-Western Railway had an offer from Messrs. Spedding and Company, for a long term contract, but that they had decided to call for public tenders in order to test the market. The period of notice was unduly short, and the call was for the whole tender. The time, however, was extended in response to complaints from other firms, and part tenders were also called for, in a subsequent notification. It is difficult to contend that these alterations were made with any *bona fide* intention of considering the part tenders on their merits; because, as stated by the Agent, North-Western Railway, the Railway authorities, particularly the engineers, had decided not to accept part tenders. It seems to me, therefore, that the elimination of part tenders was a foregone conclusion.

The Agent stated that the two main considerations in accepting a tender were: (1) whether the contractor had a sufficient supply of his own, and (2) whether he was reliable as shown by past record. So far as Messrs. Spedding and Company were concerned, it does not appear that the Railway administration made any enquiries on the first head. All that we have been told is that this firm had

dealings with the Railway for a long time, and its past record was quite satisfactory. In the case of the other tenderers, however, both the conditions stated above had to be satisfied, with the result that they were all rejected.

I do not desire to enter into a detailed discussion as to whether or not the charges brought by the Railway administration against the other tenderers have been made out. It should, however, be pointed out that in one particular case, the tenderers—Y—had no previous direct dealings with the North-Western Railway, and the charge against them of unreliability is based on certain assumptions. I am not satisfied that they were directly to blame for the laches with which they have been charged. But whatever the Railway might have to say against this firm, no accusation could conceivably be made, on these grounds, against A, who tendered jointly with Y. A, I am informed, owns considerable forest property and this was his first direct tender for the supply of sleeper to the North-Western Railway. There could, therefore, be no objection to his tender on either of the two grounds mentioned above. But it is surprising to note that the name of A was altogether omitted from the Memorandum circulated by the Railway Board to the Members of the Central Advisory Council, and it was only when one of the members of the sub-committee mentioned this fact that an enquiry was made into the matter. The sub-committee have lately been assured that, although the original tenders had been destroyed, there was evidence to show that A had joined Y in tendering. It therefore appears that A was penalized for the supposed sins of his associates.

Issue No. 3.—I do not think that there is any room for a difference of opinion on this point. In making the variations in the terms of the tender after acceptance, the Railway administration undoubtedly sacrificed the interests of the Railways and laid themselves open to the charge of giving undue preference to Messrs. Spedding and Company. Having regard to the great value of the present contract the North-Western Railway ought to have exercised more care in examining the tender forms and the conditions of the contract before actually modifying the terms after acceptance of the tender.

Issue No. 4.—I am not in favour of the present system under which the North-Western Railway is the sole purchasing authority for coniferous sleepers on behalf of certain Railway administrations. As disclosed by the circumstances of the present case, the present pool system has not resulted in the economy that was anticipated, and a monopoly in purchase has tended to create a monopoly in supply.

I cannot conclude this note without mentioning that the sub-committee were handicapped in making the enquiry by reason of the fact that, according to the decision of the Central Advisory Council, representatives of the tendering firms were not called.

DELHI ;
March 26th, 1924.

K. C. NEOGY.

NOTE BY SIR CAMPBELL RHODES.

The Committee have found considerable difficulty in carrying out the mandate of the Central Railway Advisory Committee. Many of the documents which would have assisted our investigations have been destroyed in the ordinary course of procedure, and there have been several changes in the personnel of the officers on the railway who had to deal with the contract, into the circumstances of which we have been asked to inquire. It appears that Messrs. Spedding and Company have supplied sleepers to the North-Western Railway for many years, either on the basis of five-year contracts, or on contracts for shorter periods, and in the matter of punctuality of delivery and in respect of quality they are said by the railway company to have given full satisfaction. There was therefore a predilection on the part of the latter to place a contract with this firm, though the Railway Board decided that public tenders must be called for. I consider the railway company rightly revised their original call for tenders by notifying that they were prepared to receive tenders not only for the whole quantity but also for portions. In deciding to call for tenders for a period of five years they were apparently guided by advice received from the Forest Officer of the Punjab Government, whose department it must however be assumed was not averse to the establishment of a high level of price for sleepers. All the circumstances considered, I have come to the conclusion that in calling for tenders

for a five-year contract in October 1922 the railway administration exercised ordinary business prudence. Rightly or wrongly they believed that the supply of deodar sleepers was likely to diminish and they did not anticipate any early fall in prices. Regular supply was essential to their engineering programme. The railway company could not run the risk of any irregularity in supply at a period when much reconstruction had to be done, following on the delapidations of the war period. That they were not alone in their belief is shown by the fact that tenderers D, H, J and O quoted a higher price for the last three years of the contract, and tenderers N. Q, and R were only prepared to quote for the first portion of the period.

It appears there was a contract about this time for the sale to Dinga Singh by the Government of Punjab of deodar sleepers at Rs. 6-8-0 for a period of five years, but it is clear that this contract was at an exceptionally low rate to compensate the gentleman named owing to certain claims for compensation which he might possibly have substantiated against the Punjab Government on a matter outside the scope of our reference. This price therefore cannot be regarded as indicating the market value, a fact borne out by the tenders submitted to the railway. It is true that sleepers are now offering for less money, but in order to express an opinion on the railway's policy in 1922 it is necessary to visualise the conditions then ruling. Nor is it certain that had they placed the contract for one year only they would have been able to supply their requirements for subsequent years at any material reduction in price, as it is obvious that as soon as one large buyer has made a contract for a lengthened period with one of the larger sellers, the unsuccessful tenderers find it difficult to dispose of their stocks and are willing to accept lower rates. But had the railway purchased for one year only, their subsequent call for tenders would have created a firmer market, and there is to my mind some reason for believing that all the tenderers if not actually in a ring were at least tendering with marked and probably inspired unanimity at a price considerably above the cost of production. I have seen no evidence to prove that the circumstances of October 1922 would not have been reproduced a year later, though possibly a slightly lower rate might have been tendered.

The question remains as to whether it was advisable on broad lines of policy for the railway to give one firm of suppliers a monopoly for a period of five years and thus to threaten the existence of rival firms. The importance of this issue is enhanced by the fact that other railways buy their sleeper requirements from the Punjab and Kashmir forests solely through the North-Western Railway. The railway would probably urge that this policy in the past has been pursued with some consistency and without untoward results from their point of view, and that as shown above apparent competition amongst many tenderers had not actually produced that real competition which tends to force prices down to the cost of production, whilst on the other hand enhancing the price paid for forest leases. Some of the cheaper suppliers moreover had not built up a sound reputation for punctual discharge of their contractual obligations. Nevertheless, it must be borne in mind that there is always the danger of a buying monopoly creating a selling monopoly by crushing out the smaller firms, and it is therefore to the interest of any large buyer to keep alive and vigorous more than one source of supply. In the instance under review this could have been effected by giving some small portion of the contract to whichever of the cheaper tenderers the railway considered deserved by their past record to be encouraged or at least to be given another trial.

I have stated above my reasons for believing that the railway administration exercised ordinary business prudence in calling for tenders for a five-year contract. I consider that on their record and tendered price that the major portion of the contract should undoubtedly have been given (as the whole in fact was) to Messrs. Spedding and Dinga Singh, and it has been stated to us that since the contract was placed these suppliers have hitherto proved their ability to implement their obligations. But for the reasons of general policy indicated above I consider that a portion, not necessarily a large one, might advantageously have been placed elsewhere so as to maintain a more open market.

I do not attach any importance to statements made to the effect that Messrs. Spedding and Dinga Singh have obtained part of their supplies from other contractors, and have thus acted as middlemen. This is common in all trades and especially in the sleeper trade. Such action on the part of the suppliers is not tantamount to the sub-letting of the contract, for the original contractors remain responsible for the due delivery and quality of the sleepers and receive payment direct from the railway company. It is immaterial for the railway company to enquire whence suppliers obtain the goods they tender provided the quality is up to specification and the suppliers have established their reputation and *bona fides*.

There are a few other points to which it is necessary that attention should be directed. The railway authorities admit that the standard tender forms used were not applicable entirely to sleeper tenders and should have been revised before issue. The chief misunderstandings which thus arose were that tenderers were asked to supply the sleepers f.o.r. and that a security deposit, which in the case of such a big order over so long a period would have been oppressive, was not demanded. The customs in regard to sleeper supply are so well known and the security requirements were so onerous that it is hard to believe that the other tenderers were under any misunderstanding such as could not have been cleared up by a reference to the railways before the tenders were sent in. It should have been obvious that a standard form of tender was being used which was not properly applicable to the particular requirements of the case. It was however unfortunate that greater care was not exercised in the matter of issuing the tender forms, and it is by no means evident that tenderers' prices and the quantities offered were unaffected by the inclusion of conditions, which the railway company did not intend to enforce.

It has been further pointed out that the terms of the contract with Messrs. Spedding and Dinga Singh were varied after acceptance of the tender, not only in regard to the matters mentioned in the preceding paragraph but also by the acceptance of a certain proportion of second and third class and rejected sleepers at the full rate. Explanations have been given for this course which do not seem entirely convincing. It has also been urged in extenuation that hitherto the suppliers have not taken by any means full advantage of this concession. The railway company have been prepared during the last year or two to treat their sleeper suppliers with more consideration than was necessitated by the strict terms of the contract, and we are told of another instance affecting one of the unsuccessful tenderers where the price had been enhanced in favour of the suppliers. Contractual obligations during the years following the war had temporarily lost some of their old sanctity owing to violent fluctuations in price levels and dislocations in other directions. This remark is especially applicable perhaps to the North and Western parts of India, but is not without world wide application, and the railway company were therefore only following a precedent at that time well established. Nevertheless no reasons have been adduced why this particular concession should have been given to Messrs. Spedding and Dinga Singh. There is every reason to believe it was given in absolute good faith and in a belief which has so far been justified that the suppliers would not take undue advantage of it. But the fact remains that the railway company would have saved money by adhering to the terms of their contract and in my opinion they would have acted reasonably and rightly in so doing.

As stated at the beginning it has been difficult with the information before us to arrive at definite findings. It is therefore not surprising that the sub-committee does not find itself in agreement on all points. There is however in my opinion sufficient evidence to warrant the view which I have endeavoured to express in this minute, and I have therefore been compelled regretfully to put in my own individual note.

The sub-committee has also been asked whether there are any specific points arising out of this case for the future guidance of the railway administration in their purchase of sleepers. My personal views on this subject are I think adequately indicated in what has been written above.

CAMPBELL RHODES.

The 25th March, 1924.

REPORT BY MR. A. A. L. PARSONS, I.C.S., FINANCIAL COMMISSIONER, RAILWAYS.

After hearing the evidence of Mr. Hadow, Agent of the North-Western Railway (with whom were Colonel Cowie, now Chief Engineer with the Railway Board, and Major Woodhouse of the North-Western Railway), and going through such documentary evidence as still exists, the Sub-Committee framed four issues :—

(*i*) In calling for a five-year contract for whole or part supply in October 1922, did the Railway Administration exercise ordinary business prudence ?

(*ii*) Should the whole contract have been given to Messrs. Spedding and Company and Dinga Singh ?

(*iii*) Should the terms have been varied after the acceptance of the contract ?

(*iv*) Are there any specific points which from a consideration of this case the Central Advisory Council might suggest for investigation by the

officers who are enquiring into the best method of obtaining sleepers in future ?

The Sub-Committee found themselves unable to reach a unanimous conclusion on the first issue and therefore decided that each member should draft a separate report, the various individual reports to be considered by the Sub-Committee again at a future meeting.

I.—In calling for a five-year contract for whole or part supply in October 1922, did the Railway Administration exercise ordinary business prudence ?—(*a*) Originally the Railway Administration suggested the placing of a contract without calling for tenders, but the Railway Board decided that calls for tenders should be issued. I think this decision was wise. I have no doubt that in placing their orders for sleepers in October 1922, it was of the first importance for the Railway Administration to secure certainty and regularity of supply, in order that there should be no interference with their own programme, and those of the other Administrations for whom they were buying, for making up the renewals which had fallen into arrears during the war ; and it might therefore be reasonably argued that it was their duty to place the contract with a combination of the two firms whom, as Mr. Hadow's evidence shows, they had certainly found by far the most reliable over a long series of years. But even though in such circumstances a call for tenders might only amount to testing the market, I think it was desirable, so as to secure that the actual price fixed represented at the time a fair market rate.

I also think that it was wise, as finally decided, to call for tenders for part or full supply since in that way a better idea was likely to be obtained of the correct market price, and more freedom was left to the Railway Administration in selecting between tenders.

(*b*) The question then remains whether the tenders should have been for a five-year contract. It is not entirely easy to reconstruct more than two years later the position as it must have appeared to the officers who in October 1922 had to decide this question. But the documentary and other evidence before us leads me to the conclusion that in deciding in favour of a five-year contract the Railway Administration did exercise ordinary business prudence. The position seems to me to have been as follows :—

The primary necessity was to secure a regular supply of a large quantity of sleepers over a series of years in order to carry out the rehabilitation of the railways. The Conservator of Forests in the Punjab definitely advised that the supply of deodar sleepers was absolutely limited, that it must inevitably tend to decrease, and that the rates for deodar sleepers were practically fixed ; and though other remarks of his at the time the placing of the contract was considered do not seem entirely consistent with this view, it obtains confirmation from the fact that in a considerable number of the tenders, including that of the most important rival of Messrs. Spedding and Dinga Singh, higher rates are quoted for the supply in the last three years than in the first two. The Railway Administration had also to consider the fact that their interests and those of the various Forest Departments were to a large extent divergent ; that their aim was to obtain sleepers as cheaply as possible and the aim of the Forest Departments to get as high a price as possible for leases of their timber. Knowing this and having reason to believe that supplies were falling, I think they were definitely well advised to attempt to secure their position for a considerable number of years by calling for a five-year contract ; and, in fact, I think that if they had done otherwise, they might have laid themselves open to the charge of gambling for a fall in prices of which, on the information before them, so far as I can now judge it, they had no clear indication. I should also have been influenced, had I been in their place, by the fact that five-year contracts were not unusual and had not proved disadvantageous in the past.

I therefore answer the question raised in the first issue in the definite affirmative.

II.—Should the whole contract have been given to Messrs. Spedding and Company and Dinga Singh ?—(*a*) The Sub-Committee had some evidence before them dealing with the forest leases held at the time the contract was placed by the various tenderers, and it was suggested that at that time Messrs. Spedding and Company and Dinga Singh had not got leases from which they could supply the whole of the sleepers contracted for, in addition to those for which they were liable under a previous contract. My views on this point are as follows :—

It was the duty of the Railway Administration to satisfy themselves that any tenderer to whom they gave the contract could be relied on to fulfil its terms; and if in any instance they had any doubt of the capacity of a tenderer to fulfil the contract, either from his past performance in similar transactions or because, so far as they were aware, he was a new comer into the trade, the fact that he had either alone or in conjunction with a third party forest leases sufficient to enable him to fulfil the contract would be a very relevant matter for consideration. But where general experience of the performance of a tenderer over a long series of years has established his reliability, and where he is known to have been for a long time in business, this factor loses its weight. For it is of small importance to a Railway Administration whether the contractor obtains his sleepers from particular leases under his control or in other ways, *e.g.*, purchase in the open market, so long as the railway has reason to be certain that the contract will be duly fulfilled. The question whether Messrs. Spedding and Company and Dinga Singh had in October 1922 forest leases sufficient to supply the whole of the contract does not therefore seem to me relevant since past experience of the reliability of these suppliers was in my opinion sufficient to justify the Railway Administration in the expectation that they would fulfil their promises. On the other hand the Railway Administration were quite right in taking into consideration the forest leases possessed by other contractors, of whom their past experience had not been so satisfactory or of whom they had little or no knowledge.

(*b*) I do not propose to analyse all the tenders received. Of those for full supply for the complete period only Messrs. Spedding and Dinga Singh's and Y's (with whom we have reason to believe that A was associated) need be considered. Of these Messrs. Spedding and Dinga Singh's tender was fractionally lower both for deodar and for soft woods; the railway had had few dealings with Y, but in one instance had not found him satisfactory; and if it was right to give the whole supply to one contractor, I have no doubt that they were correct in selecting Messrs. Spedding and Dinga Singh both on the score of price and on the score of their past reliability.

(*c*) I think it was right to do so; and that had I had in October 1922 to make the decision, I should, as a purely business matter, have placed the whole contract with Messrs. Spedding and Dinga Singh. My grounds would have been that my experience of all the possible alternative tenderers to whom a part of the supply might have been given for five years was not entirely satisfactory; that, as I have held above, it was desirable to place the contract for five years; and that it was at that time so necessary to secure certainty of an absolute regularity of supply throughout the period, that as a business proposition it was more advantageous to place the whole contract with one reliable firm even though for some portion of it, it might have been possible with some risk to obtain slightly better terms. I therefore answer the question raised in this issue in the affirmative.

At the same time if the North-Western Railway had decided to place a small portion of the contract with one of the other tenderers at prices lower than those quoted by Messrs. Spedding and Dinga Singh, I do not think their decision would have been open to much objection provided the quantity was not so large that failure to supply it regularly and punctually would have retarded the progress of reconstruction on the various railways concerned, and that past experience of the contractor had not been wholly unsatisfactory. I should not have thought it of any immediate financial advantage so to split up the contract; but I should have recognised that there might be ultimate advantages in removing any suspicion that there was a final and definite policy of employing only one firm.

III.—Should the terms have been varied after the acceptance of the contract?—The Sub-Committee ascertained that tenders were called for on an old form drawn up in 1907 which does not seem to have been entirely applicable to the conditions prevailing in 1922. The contract on the other hand was on a new form only introduced in 1920 and applied then to a contract given without call for tenders. The result has been that in certain instances the contract actually made with Messrs. Spedding and Dinga Singh goes beyond, or is at variance with, the terms embodied in the call for tenders; and the question arises whether Messrs. Spedding and Dinga Singh's rivals were in any way prejudiced by these divergencies. Four points were brought to our notice:—

(i) The tender form asks for quotations *f. o. r.*; the contract does not provide—nor, in fact, did Messrs. Spedding and Dinga Singh tender—for *f. o. r.* delivery. I do not think this a material point. Clause 6 of the conditions of contract sent out with the tender forms provides for sleepers

being delivered not *f.o.r.* but stacked, and in practice the railway generally takes sleepers stacked at convenient centres for removal to the various portions of the line when they are required. There is no reason to believe that the other tenderers were not fully aware of this practice or consequently that they were in any way prejudiced by the use of the old tender form.

(*ii*) The conditions of contract as supplied with the tender forms also provides for withholding a certain amount from the sums due for the sleepers supplied until the termination of the contract. But we ascertained that it had not been the practice to take security in this or other ways from contractors for fulfilment of sleeper contracts; and I see no reason to believe that any other tenderer or tenderers were prejudiced by a misunderstanding on this point.

(*iii*) In the conditions of contract sent out with the tender forms it is laid down that the contract shall not be assigned or sublet without written permission; and it was suggested to us that Messrs. Spedding and Dinga Singh were now purchasing sleepers, in order to fulfil the contract, in the bazar, and that this amounted to subletting the contract. I cannot agree. Messrs. Spedding and Dinga Singh are still entirely responsible for fulfilling the contract; they are the people who can be sued if they fail to do so; and the railway itself is not, in my opinion, concerned as to the method by which, or the source from which, the contractors get their supply provided the supplies are punctually delivered and are of the quality for which the contract provides.

(*iv*) The conditions of contract sent out with the tender forms state that only first class sleepers will be taken. Actually the contract allows 15 per cent. of the sleepers to be of a class below the first class without reduction in price. Mr. Hadow explained that up to 1920 all contracts allowed a certain percentage of sleepers below the first class (though this is not stated in the tender form); that these inferior sleepers were paid for at rates lower than those fixed for first class sleepers—10 per cent. lower for second class, 25 per cent. for 3rd class and 50 per cent. for rejected class. This may then be taken to have been the custom of the trade up to that time; but in 1920, owing to action by a certain Forest department into which I need not enter, it was decided to alter this practice, to base contracts on an average price per sleeper and to allow 15 per cent. of deliveries to be below the first class without any reduction in rates.

Effect was given to this new arrangement in a contract made with Messrs. Spedding and Dinga Singh in 1920; and it may be assumed that they tendered for the contract we are now discussing on the assumption that it would continue. There is also no reason to believe that other tenderers, if successful, would not have had a contract on similar terms. But I do not think we can assume that other tenderers were necessarily aware of the change or that, if they had been aware of it, they might not have tendered at more favourable rates. This is therefore in my opinion a material change, and once tenders had been called for on the old form, I do not think it should have been made. In actual practice Messrs. Spedding and Dinga Singh have not taken advantage of the variation, for their deliveries have, we are told, been 95 per cent. first class; but this does not alter the fact that they were given an advantage of which they could have made use outside the terms of their tender, and that probably the other tenderers were not aware that such an advantage would be given.

My answer therefore to the question raised in this issue is in the negative so far as this particular variation is concerned. I do not think the other variations prejudicially affected Messrs. Spedding and Dinga Singh's competitors; and I do not, in fact, think that any alteration they might have made in their tenders, had they been aware of this new arrangement, would have rendered it desirable to give the contract to any one of them rather than to Messrs. Spedding and Dinga Singh.

IV.—Are there any specific points which from a consideration of this case the Central Advisory Council might suggest for investigation by the officers, who are enquiring into the best method of obtaining sleepers in future?—As I explained to my fellow members on the Sub-Committee, I do not propose to deal with this issue since it will fall on me to deal with the report of the officers mentioned.

A. A. L. PARSONS.

Dated the 25th March 1924.

INDIANISATION OF THE ORDNANCE FACTORIES.

299. **Mr. T. C. Goswami**: Will Government please state what efforts are being made for the Indianisation of the Ordnance Factories?

Mr. E. Burdon: The Government of India, in January last, sanctioned a scheme for the training of apprentices in Ordnance factories. Details of this scheme were laid on the table of this House on the 24th March 1924 in reply to a question asked by Sir Purshotamdas Thakurdas. The scheme aims at imparting technical training to Indians and others, so as to fit them for employment in Ordnance factories and it is anticipated that when the scheme has fully developed, Indians will be qualified to fill the appointments of Chargeman, Assistant Foreman, and so on. No other measures for training Indians in Ordnance factory work have been undertaken by Government. Indians if qualified are eligible to hold any of the civilian appointments in the factories.

VARIOUS CLASSES OF EMPLOYEES, EUROPEAN AND INDIAN, IN ORDNANCE FACTORIES.

300. **Mr. T. C. Goswami**: (*a*) Will Government be pleased to lay on the table a list showing the number of Assistant Foremen, Foremen, Principal Foremen, Assistant Managers and Managers employed in the Ordnance Factories on the 1st April 1916 and 1st April 1923?

(*b*) Will Government please state how many of the above posts were held by (*i*) Indians and (*ii*) Europeans on those dates?

Mr. E. Burdon: (*a*) The list asked for is laid on the table.

(*b*) In 1916, none of the appointments mentioned in the list was held by an Indian. In 1923, one was held by an Indian.

List showing the number of Assistant Foremen, Foremen, Principal Foremen, Assistant Managers and Managers employed in the Ordnance Factories on 1st April 1916 and 1st April 1923.

	1916.	*1923.*
Assistant Foremen	84	119
Foremen	43	58
Principal Foremen	1	9
Assistant Managers	..	..
Managers	9	13

VARIOUS CLASSES OF EMPLOYEES IN THE METAL AND STEEL FACTORY, ISHAPORE.

301. **Mr. T. C. Goswami**: Will Government be pleased to state (*i*) the number of workmen in each section of the Metal and Steel Factory, Ishapore, (*ii*) The number of Foremen, Assistant Foremen, Chargemen in the respective sections with their qualifications on the 1st April 1916 and 1st April 1923?

Mr. E. Burdon: I will furnish the Honourable Member separately with two statements giving the information desired by him. The qualifications necessary for Foremen, Assistant Foremen and Chargemen are that they must be thoroughly qualified, technically, and capable of taking charge of men, and that they should have been through a regular

apprentice training and have had some years' subsequent experience in manufacturing sections.

REDUCTION OF THE COST OF SUPERVISION IN THE METAL AND STEEL FACTORY, ISHAPORE.

302. **Mr. T. C. Goswami:** (*a*) Are Government aware of the fact that the cost of supervision in the Metal and Steel Factory is three times more than the cost of labour and materials? If so, what steps are being taken to reduce the cost?

(*b*) Are Government aware of the fact that a European Chief Chemist was not thought necessary in the Metal and Steel Factory till 1918? Will the Government be pleased to state how and why the necessity arose?

(*c*) While each section of the Metal and Steel Factory has got a Manager, a Foreman and two Assistant Foremen, why is it that any of such posts have not been given to the Indian chemists who are working for years in one of the important sections of the Factory?

Mr. E. Burdon: (*a*) Government are informed that the facts are not as stated by the Honourable Member.

(*b*) Yes. The appointment of a European chemist was considered necessary on account of the increase in the output of the Indian Ordnance Factories, and because of the tests required to be undertaken by the Metal and Steel Factory for other departments of Government. Experience gained during the war has also shown the necessity for the employment of a fully qualified chemist, with practical knowledge of metallurgy.

(*c*) The answer to this part of the question is that the Indian chemists referred to have not the requisite qualifications. I should, however, explain that each section of the Metal and Steel Factory does not possess a Manager, a Foreman and two Assistant Foremen.

DEPUTATION OF QUALIFIED INDIANS SERVING IN ORDNANCE FACTORIES TO FOREIGN COUNTRIES.

303. **Mr. T. C. Goswami:** What steps have been taken by the Government of India to send qualified Indians on deputation to foreign countries in the same way as (European) Officers of the Ordnance Factories are sent?

Mr. E. Burdon: On the assumption that the Honourable Member refers to Indians serving in Ordnance Factories, the reply to his question is as follows:—

It is the practice to send members of the Ordnance Factories staff, not below the rank of Assistant Foreman, to Europe, usually to England, on deputation; and, provided they are technically qualified, Indians are no less eligible than Europeans for such deputation. I may mention that in 1923 an Indian Chargeman was sent on deputation to England to undergo a six months' course of training in the tanning and currying of leather.

WORKING HOURS IN THE COSSIPORE GUN AND STEEL FACTORY, ETC.

304. **Mr. T. C. Goswami:** (*a*) Are Government aware of the fact that the Indian clerks of the Cossipore Gun and Shell Factory, Ishapore

Rifle Factory and Metal and Steel Factory have been compelled under threat to attend the Factory at 7-45 A.M. instead of 10 A.M. and the Indian chemists of the M. S. Factory to attend at 9 A.M. instead of 10 A.M. violating standing orders of the Factory and Army Instruction (A. R. I., Vol. IV) ?

(*b*) Is it a fact that clerks are not allowed to work for more than six hours in the Ordnance Factory as laid down in the Army Instruction (A. R. I., Vol. IV) ?

(*c*) If so, do Government propose to consider the question of extending this rule to the case of metallurgical chemists and fixing their period of attendance from 10 A.M. to 4 P.M. or from 11 A.M. to 5 P.M. ?

Mr. E. Burdon : (*a*) and (*b*). The attention of the Honourable Member is invited to the reply given on the 30th May last to starred question No. 1098.

Although the rules as they now stand prescribe that all ordnance offices shall be open for 6 hours daily, it has been found necessary to modify the rules in practice. The volume of regulations to which the Honourable Member refers is at present under revision and the opportunity is being taken of amending the rules relating to office hours.

(*c*) No. The chemist staff is not part of the office but of the factory, and, therefore, must conform to factory hours.

LOSS INCURRED BY THE METAL AND STEEL FACTORY ON ACCOUNT OF CERTAIN BADLY MANUFACTURED ARTICLES.

305. **Mr. T. C. Goswami :** (*a*) Are Government aware of the facts that the Metal and Steel Factory received several orders from the Railway and Telegraph Departments, that those orders were afterwards cancelled and that the articles supplied by the Factory being very badly manufactured were not accepted and were returned at the cost of the Factory ?

(*b*) Will Government please state (*i*) the amount of the loss incurred by the factory on the transaction, (*ii*) who is responsible for the loss and (*iii*) what steps are being taken to recover the loss ?

Mr. E. Burdon : (*a*) No. Government are informed that the facts are not as stated by the Honourable Member.

(*b*) The question does not arise.

RESOLUTION *re* THE RELEASE OF SARDAR KHARAK SINGH.

306. **Sardar Gulab Singh :** What action has been taken by Government on the Resolution of this House recommending the release of Sardar Kharak Singh ?

The Honourable Sir Alexander Muddiman : In accordance with the undertaking given by the Honourable Sir Malcolm Hailey during the debate on the Resolution, the Punjab Government were consulted in the matter. The Government of India agree with the view taken by the Local Government that there are at present no grounds for the release of Sardar Kharak Singh or for the remission of any portion of his sentences.

RESOLUTION *re* GRIEVANCES OF THE SIKH COMMUNITY.

307. **Sardar Gulab Singh** : What action has been taken by Government on the Resolution of this House recommending the appointment of a Committee to inquire into the grievances of the Sikh community and to make recommendations ?

The Honourable Sir Alexander Muddiman : The Government of India were unable to accept the recommendation contained in the Resolution, for the reasons explained by my predecessor in the course of the debate. They were, moreover, satisfied that the Government of the Punjab were taking all possible steps to give every opportunity for the statement and examination of the claims and grievances alleged and to promote an equitable solution.

CLAIMS AGAINST THE G. I. P. RAILWAY DURING THE YEARS 1921, 1922 AND 1923.

308. **Mr. K. G. Lohokare** : (*a*) What is the total number of claims preferred against the G. I. P. Ry. in the years 1921, 1922 and 1923 ?

(*b*) What was the total value of these claims for each of the above years ?

(*c*) What was the total amount of money paid by the Company out of court in satisfaction of these claims for each of the above years ?

(*d*) What was the value of claims rejected on the ground of Risk Notes for each of the above years ?

Mr. C. D. M. Hindley : Inquiry is being made and the information will be furnished to the Honourable Member in due course.

THEFTS IN RAILWAY GODOWNS ON THE G. I. P. RAILWAY DURING THE YEARS 1921, 1922 AND 1923.

309. **Mr. K. G. Lohokare** : (*a*) What was the total number of thefts in railway godowns in the years 1921, 1922 and 1923 on the G. I. P. Railway ?

(*b*) What was the total number of running train thefts for each of these years ? What was the value of these thefts in (*a*) and (*b*) for these years ? How many of the thefts under (*a*) and (*b*) remained undetected ?

(*c*) What is the total amount of money paid by the G. I. P. Railway in satisfaction of decrees of Civil Courts in each of the above years and what were its court expenses in each of these years ?

Mr. C. D. M. Hindley : (*a*), (*b*) and the first part of (*c*). The information is not readily available and considerable time and labour would be involved in extracting it from past records.

With regard to the second part of (*c*), the figures are :—

	Rs.
1921	47,353
1922	1,02,187
1923	1,10,072

RETRENCHMENTS ON THE G. I. P. RAILWAY.

310. **Mr. K. G. Lohokare** : (*a*) What is the total number of employees discharged by the G. I. P. Railway in connection with the new retrenchment or otherwise dismissed under each of the following heads in the three years, 1921-22, 1922-23, 1923-24, namely :

(1)	Drawing Rs.	25 and under		per mensem.	
(2)	Do.	25 to	50	do.	do.
(3)	Do.	50 to	100	do.	do.
(4)	Do.	100 to	250	do.	do.
(5)	Do.	250 to	500	do.	do.
(6)	Do.	500 to	1,000	do.	do.
(7)	Do.	1,000 and above		do.	do.

(*b*) What was the total number of Indians discharged or dismissed for these years and what was this total number for Europeans and Anglo-Indians ?

(*c*) What was the amount saved by this discharge or dismissal of Indian employees ? And what was this amount in respect of Europeans and Anglo-Indians ?

(*d*) How many Europeans and Anglo-Indians were newly employed by the G. I. P. Ry. in these three years and what is the total amount of their monthly salaries ?

(*e*) How many European and Anglo-Indian employees in the G. I. P. Ry. were given promotions in these three years ? And what is the total amount of these promotions for these three years ?

Mr. C. D. M. Hindley : (*a*) and (*b*). All available information on the subject is contained in the explanatory memorandum of the Railway Budget for 1924-25 which gives the reduction of Europeans, Anglo-Indians and Indians effected between 1st November 1922 and 1st November 1923. Similar information will be given in the Report by the Railway Board on Indian Railways for 1923-24. The collection of similar information for previous years or in the detail asked would entail heavy labour and expense which Government do not consider justified.

(*c*) The cost of staff on the Great Indian Peninsula Railway has fallen from 461½ lakhs in 1921-22 to 437 lakhs in 1922-23 and 397 lakhs in 1923-24. It is not known how much of this is due to the discharge of the different classes of employees referred to.

(*d*) and (*e*). Government have no information.

THIRD CLASS CARRIAGES ON THE G. I. P., B. B. AND C. I. AND M. & S. M. RAILWAYS WITH AND WITHOUT LATRINES.

311. **Mr. K. G. Lohokare** : What is the total number of Third Class Carriages on the G. I. P. Railway, the B. B. & C. I. Railway and the M. & S. M. Railway ? Are they all provided with latrines ? If not, what is the number of carriages on each of these lines without this arrangement ?

Mr. C. D. M. Hindley : A statement showing the information asked for by the Honourable Member is placed on the table.

Statement showing—(i) Total No. of 3rd Class Carriages, (ii) No. provided with latrine accommodation, (iii) No. not provided with latrine accommodation, (iv) Percentage provided with latrine accommodation to total number, on the B. B. and C. I., G. I. P., and M. and S. M. Railways on the 31st March 1924.

Railway.	Total No. of 3rd class carriages.	No. provided with latrine accommodation.	No. not provided with latrine accommodation.	Percentage provided with latrine accommodation to total No.
Bombay, Baroda and Central India—				
5' 6"	403	327	76	81·1
3' 3¾"	971	699	272	72·0
Great Indian Peninsula—				
5' 6"	776	512	264	66·0
2' 6"	26	24	2	84·6
Madras and Southern Mahratta—				
5' 6"	429	325	104	75·7
3' 3¾"	519	487	32	93·9

SUPPLY OF DRINKING WATER AT STATIONS ON THE G. I. P., B. B. & C. I. AND M. & S. M. RAILWAYS.

312. **Mr. K. G. Lohokare** : (*a*) What is the total number of railway stations in the G. I. P. Ry., B. B. & C. I. Ry. and M. & S. M. Railway ?

(*b*) At how many of these stations on each line are water taps provided ?

(*c*) At how many of these stations on each line are watermen employed to supply water to the passengers ?

(*d*) What arrangements are made by the above companies to supply water to passengers where there are no watermen specially employed ?

Mr. C. D. M. Hindley : (*a*) The number of stations on the Great Indian Peninsula, Bombay, Baroda and Central India, and Madras and Southern Mahratta Railways is 575, 633, and 498, respectively.

(*b*) On the Great Indian Peninsula Railway at 161 stations.

On the Bombay, Baroda and Central India Railway at 96 stations.

On the Madras and Southern Mahratta Railway at 150 stations.

(*c*) On the Great Indian Peninsula Railway, 167 watermen are provided permanently and 164 additional watermen are engaged during the hot season.

On the Bombay, Baroda and Central India Railway at 379 stations.

On the Madras and Southern Mahratta Railway at 153 stations in the hot weather and 125 in the cold weather.

(*d*) On the Great Indian Peninsula Railway, a porter is deputed to serve water to passengers. Each station is provided with *chatties* filled with good drinking water and wells from which passengers may help themselves are available at most stations.

On the Bombay, Baroda and Central India Railway there are usually water taps on the platform and, in addition to this, travelling watermen are employed during the hot weather.

On the Madras and Southern Mahratta Railway filters are provided on the platform at 273 stations.

PREVENTION OF OVERCROWDING OF THIRD CLASS RAILWAY PASSENGERS.

313. **Mr. K. G. Lohokare**: (*a*) Are Government aware of the public cry that 3rd class railway carriages are generally overcrowded ?

(*b*) If so, what steps are being taken to prevent this overcrowding ?

(*c*) Have the Government of India or the Railway Board or any of the Provincial Governments ever taken any action, under section 93 of the Indian Railways Act, 1890, since railways were introduced in this country ?

(*d*) If so, how many times and when, and what amounts were recovered under the above section and from what Companies ? If not, why did not the Government think it necessary to take any steps under that section ?

Mr. C. D. M. Hindley: (*a*) and (*b*). The Honourable Member is referred to the speech of Sir Charles Innes in this House on 12th February last.

(*c*) Not as far as Government are aware.

(*d*) Such action would not have been in the interests of the travelling public. The alternative to overcrowding was the stoppage of booking and such stoppages would, Government understand, have caused greater inconvenience to intending passengers.

EARNINGS PER MILE PER PASSENGER AND PER COACHING VEHICLE FOR FIRST, SECOND AND THIRD CLASSES ON THE G. I. P. RAILWAY.

314. **Mr. K. G. Lohokare**: (*a*) What was the average income for a first class carriage and for a first class passenger, per mile on the G. I. P.

Railway for the years 1920 to 1924 ? What was the average expense per mile for the same in the same period ?

(*b*) What were these averages of income and expense for a 2nd class carriage and a 2nd class passenger from 1920 to 1924 ?

(*c*) What were these averages of income and expense for a 3rd class carriage and passenger for the same period ?

(*d*) What was the total income from the Punjab Mail on the G. I. P. Railway and what was the total income from the same for the same years 1920 to 1924 ?

(*e*) For how many 1st class and 2nd class passengers was accommodation provided on the Punjab Mail for the years 1920 to 1924 and what was the actual number of 1st and 2nd class passengers travelling on this train during the above period ?

(*f*) For lessening overcrowding on other trains, why is not a 3rd class carriage put on this train ?

Mr. C. D. M. Hindley : (*a*), (*b*) and (*c*). A statement is placed on the table showing the earnings per passenger per mile and per coaching vehicle per mile separately for first, second and third classes, but the expense of hauling a passenger per mile and a coaching vehicle per mile is not known separately for each class.

(*d*) The information is not available.

(*e*) The normal accommodation on the Great Indian Peninsula Railway Punjab Mail is 32 first class and 40 second class berths.

Information regarding the actual number of I and II class passengers who travelled by this train during the period mentioned is not available.

(*f*) The load of the train does not permit of a III class carriage being attached as suggested.

Statement showing earnings per passenger per mile and earnings per coaching vehicle per mile for the years 1920 to 1924.

Class.	Passengers.					Coaching vehicles.				
	Earnings per passenger per mile in pies.					Earnings per coaching vehicle per mile in pies.				
	1919-20	1920-21	1921-22	1922-23	1923-24	1919-20	1920-21	1921-22	1922-23	1923-24
First .	13·2	14·7	22·5	25·3	23·4	26·74	24·46	2[illegible]·65	24·90	Not available.
Second .	6·48	6·76	9·29	18·3	12·4	46·28	42·46	44·52	41·37	
Third .	2·54	2·90	2·87	4·04	4·03	77·99	60·78	55·56	68·63	

RESTAURANT CARS ON THE G. I. P. RAILWAY.

315. **Mr. K. G. Lohokare** : What was the total expense of running restaurant cars on all trains, on the G. I. P. Railway, and what was the total income from the same for the years 1920 to 1924 ?

Mr. C. D. M. Hindley: The Government regret that the information asked for is not available.

ADOPTION OF REVISED RISK NOTE FORMS BY THE G. I. P. AND B. B. & C. I. RAILWAYS.

316. **Mr. K. G. Lohokare** : (*a*) Will Government be pleased to state what steps they have taken to bring into effect recommendations of the Railway Risk Note Committee, the report of which was published in September 1922 ?

(*b*) When are the new forms of risk notes expected to be put in force on the G. I. P. and the B. B. & C. I. Railways ?

Mr. C. D. M. Hindley: (*a*) and (*b*). The Revised Risk Note Forms, as approved by Government's Legal Advisers, will be introduced on 1st October, 1924.

EVIDENCE GIVEN BEFORE THE LEE COMMISSION.

317. **Sir Purshotamdas Thakurdas** : Will Government be pleased to lay on the table a statement showing :

(1) The names of persons and public bodies that were asked by the Central and/or Provincial Governments or by the Lee Commission themselves to give evidence before that Commission,

(2) Those who gave written evidence,

(3) Those who gave oral evidence,

stating in the case of (2) and (3) above the names of those who stipulated that their evidence should be regarded as confidential ?

The Honourable Sir Alexander Muddiman : The Government of India have no information as to the persons and public bodies that were asked by the Provincial Governments or by the Lee Commission to give evidence, and their only information as to those who actually gave evidence is contained in paragraphs 2 and 107 of the Report of the Commission.

INDIAN AND BURMAN OFFICERS IN THE CENTRAL AND PROVINCIAL GOVERNMENTS.

318. **Sir Purshotamdas Thakurdas** : Will Government be pleased to lay on the table a statement showing the percentage of Indians and Burmans of the total strength of officers in the Central and Provincial Government services in India drawing salaries of Rs. 200 and above, Rs. 500 and above, Rs. 800 and above, Rs. 1,500 and above, Rs. 2,500 and above in 1913 and on 1st January 1924 separately on the lines given in the small table at the end of paragraph 34 of the Islington Commission's Report ?

The Honourable Sir Alexander Muddiman: I am sorry that I am unable to give all the information for which the Honourable Member has asked as it is not readily available. I am, however, laying on the table a statement prepared from material collected for the Islington and Lee Commissions which I trust will meet the Honourable Member's purpose. It gives the information for which he asks so far as the years 1913 and 1923 are concerned for a considerable number, but not for all, of the Central and Provincial services.

Statement for 1913.

Name of Service or Department.	Below Rs. 500.			Rs. 500 to 1,000.			Rs. 1,000 to 1,500.			Rs. 1,500 to 2,500.			Rs. 2,500 and over.			Remarks.
	Total.	Indians and Burmans.	Percentage.	Total.	Indians and Burmans.	Percentage.	Total.	Indians and Burmans.	Percentage.	Total.	Indians and Burmans.	Percentage.	Total.	Indians and Burmans.	Percentage.	
Indian Civil Service	97	4	..	588	36	..	181	6	..	313	13	..	192	7	..	*Including posts in the subordinate ranks.
Police Department*	823	490	..	429	45	..	83	2	..	19	..	..	4	..	..	
Forest Department* ..	158	102	..	140	56	..	83	..	..	16	..	..	..	..	..	*Note.*—Anglo-Indians are included amongst *Indians.*
Customs Department* ..	209	133	..	28	9	..	6	..	..	2	..	..	1	..	..	
Railway Department ..	129	56	..	187	43	..	103	18	..	20	..	..	8	..	..	
Education Department* ..	559	501	..	209	50	..	50	3	..	8	..	..	1	..	..	
Agriculture (Imperial) ..	12	8	..	8	...	..	3	..	..	1	..	..	..	..	..	
Civil Veterinary Department (Imperial).	4	1	..	3	..	..	1	..	..	..	..	..	..	..	..	
Medical Department* ..	288	267	..	205	44	..	97	10	..	22	..	..	3	..	..	
Survey of India (Government of India).	105	105	..	49	23	..	26	..	..	..	..	..	1	..	..	
Public Works Department ..	488	351	..	349	53	..	172	49	..	41	5	..	18	..	..	
Geological Survey	5	1	..	12	1	..	4	1	..	1	..	..	..	..	..	
Posts and Telegraphs Departments*.	807	642	..	75	29	..	41	2	..	17	..	..	1	..	..	
Indian Finance Department ..	28	18	..	101	67	..	44	20	..	11	5	..	2	..	..	
Mint and Assay Department ..	..	..	..	1	..	..	2	..	..	3	..	..	1	..	..	
Total ..	3,712	2,679	72%	2,384	456	19%	896	111	12·3%	474	23	4·8%	230	7	3·0%	

Statement for 1923.

Service or Department.	Below Rs. 500.			Rs. 500 to 1,000.			Rs. 1,000 to Rs. 1,500.			Rs. 1,500 to 2,500.			Rs. 2,500 and over.			Remarks.
	Total.	Indians and Burmans.	Percentage.	Total.	Indians and Burmans.	Percentage.	Total.	Indians and Burmans.	Percentage.	Total.	Indians and Burmans.	Percentage.	Total.	Indians and Burmans.	Percentage.	
Indian Civil Service*.. ..	10	10	..	203	67	..	96	15	..	439	26	..	449	29	..	*Excluding officers in the Political Department and Imperial Customs Service.
Indian Police Service ..	90	24	..	212	32	..	305	13	..	93	1	..	8	1	..	
Indian Forest Service ..	10	9	..	129	28	..	112	9	..	47	..	..	8	..	..	
Imperial Customs Service ..	3	3	..	11	7	..	10	3	..	4	1	..	4	..	..	
Indian and Provincial Service of Engineers, State Railways.	23	23	..	65	40	..	61	5	..	43	9	..	3	..	..	
Superior Revenue Establishment of State Railways.	9	8	..	132	54	..	94	17	..	38	6	..	6	..	..	
Indian Educational Service (Men's Branch).	1	1	..	119	103	..	128	24	..	69	..	..	2	..	..	Appointments of Director of Public Instruction have been excluded as they are not in the Indian Educational Service.
Indian Educational Service (Women's Branch).	14	8	..	19	..	..	3	..	..	..	..	..	..	..	..	
Indian Agricultural Service ..	11	11	..	57	22	..	17	1	..	22	..	..	1	..	..	
Indian Veterinary Service ..	1	1	..	19	1	..	7	..	..	10	..	..	..	..	..	
Indian Medical Service (Civil)	..	..	..	..	..	..	83	21	..	264	25	..	22	..	..	
Survey of India (Government of India).	..	..	..	16	7	..	13	4	..	29	..	..	1	..	..	
Indian Service of Engineers ..	52	52	..	234	123	..	248	66	..	159	44	..	25	6	..	
Geological Survey of India ..	..	..	..	12	3	..	4	1	..	6	..	..	1	..	..	
Posts and Telegraphs Departments.	2	2	..	19	13	..	24	12	..	24	6	..	1	..	..	
Indian A. and A. Service ..	16	15	..	41	33	..	55	24	..	38	11	..	8	3	..	*Note*,—Anglo-Indians are shown amongst Indians.
Mint and Assay Department ..	..	..	..	1	1	..	3	1	..	1	..	..	1	..	..	
Political Department of Government of India.	..	..	..	25	2	..	22	2	..	58	..	..	37	..	..	
Total ..	242	167	69%	1,314	536	40·7%	1,285	218	16·9%	1,344	129	9·5%	577	39	6·7%	

ESTABLISHMENT OF A TELEGRAPH OFFICE AT MURBAD IN THE THANA DISTRICT.

319. **Mr. Jamnadas M. Mehta**: (*a*) Have Government received frequent representations from the Murbad Taluka of the Thana District in the Bombay Presidency requesting that there should be a telegraph office at Murbad ?

(*b*) Is it the ordinary policy of Government to have as far as possible a telegraph office in the headquarters of each Taluka ? Do Government propose to grant the request of the public of Murbad ?

Mr. H. A. Sams: (*a*) Yes, representations were received by the Postmaster-General, Bombay.

(*b*) No, unless recommended by the Local Government. The question of opening a telegraph office at Murbad is however being considered by the Postmaster-General, Bombay, and by the Local Government.

DETENTION OF THE ASSAM MAIL ON THE 6TH JULY 1924.

320. **Mr. T. C. Goswami**: (*a*) Are Government (Railway Department) aware of the serious breaches which occurred in the E. B. Railway line between Sapatgram and Amingaon during the first week of July (1924), and that the Assam Mail train (No. 3 Up) which had left Calcutta on the 5th July, was detained, first at Lalmonirhat Junction till about 7 and 8 A.M., and then at Sapatgram for the whole day, and then sent back in the evening to Lalmonirhat ?

(*b*) Is it a fact that the D. T. S. or some other Traffic Officer wired to ascertain if there were any European passengers in the train, and is it a fact that the reply was that there were no European passengers in that train ?

(*c*) Why was the train (which being the principal train for Assam carried a very large number of passengers) detained at Sapatgram from morning till evening on the 6th July in spite of my telegram to the D. T. S. drawing his attention to the fact that no food of any kind was obtainable there, and that there were other bigger stations to which the train could easily be taken ?

(*d*) Is it a fact that the Railway Officers have instructions to make especial efforts to secure the convenience of European passengers which they need not make in the case of Indian passengers ?

(*e*) Is it a fact that no inquiries were made of the Steamer Company's agent at Dhubri as to the availability of a steamer or steamers for taking the standard passengers, till a Traffic Officer at Lalmonirhat was compelled by some of the passengers to send a wire late in the evening of the 6th ?

(*f*) Was any arrangement with the Steamer Company made or even sought to be made, either on the 6th or on the 7th ? If not, why not ?

Mr. C. D. M. Hindley: (*a*) Yes. On the evening of July 5th, a breach occurred between Kokrajhar and Basugaon and during the night of 5th-6th a second breach occurred within half a mile of the first one. Two trains were transhipped over these two breaches on the morning of July 6th and meanwhile No. 3 Up Mail was detained at Lalmonirhat, pending information as to the possibility of continuing transhipment. It being anticipated that No. 3 Up Mail could be transhipped, the train was started from

Lalmonirhat. But, in the meantime, a third and more serious breach occurred between Sapatgram and Fakiragram, so that No. 3 Up Mail, after being detained at Sapatgram, until it was known that transhipment was impossible, was sent back to Lalmonirhat, where better accommodation and food would be available for passengers.

(*b*) No such telegram can be traced.

(*c*) The Honourable Member is referred to item (*a*) above. It is pointed out that there are four food vendors at Sapatgram, so that III class passengers at any rate could obtain food there.

(*d*) No.

(*e*) and (*f*). There being no prospect of regularity in the timing of steamers at Dhubri during the rainy season, the local Traffic Officers were uncertain whether it would be better to send passengers to Dhubri or await restoration of communication. However, at the request of the passengers, of whom the Honourable Member is understood to have been one, the Steamer Agent was consulted. On receipt of information that a steamer might arrive at Dhubri on 7th, passengers were sent to Dhubri, but the steamer actually passed on the night of 6th.

INCONVENIENCES CAUSED TO PASSENGERS BY THE DETENTION OF THE ASSAM MAIL ON THE 6TH JULY 1924.

321. **Mr. T. C. Goswami**: (*a*) With reference to the detention of the Assam Mail train which left Calcutta on 5th July, are Government aware of the fact that not one of the Railway Officers whom the detained passengers (who had to spend the night of the 6th) could get hold of was able to say what arrangements were being made ; that the passengers were asked to take a train at about 8 A.M. on the 7th with an assurance that arrangements had been made with the Steamer Company, and that the passengers would get a steamer in the course of the day at Dhubri ; that no steamer was arranged for and that hundreds of passengers (almost all poor 3rd class passengers) were completely stranded in Dhubri for over two days, sleeping on the streets and starving except for the hospitality of the Indian population of Dhubri ?

(*b*) Are Government further aware that I sent a wire from Lalmonirhat to the Traffic Manager complaining of the " disgusting inefficiency " of the railway officials responsible which had ensured the maximum possible inconvenience to the detained passengers, and that, had proper inquiries been made, the passengers would have been able to avail themselves of a steamer which touched Dhubri on the night of the 6th ; that instead of diverting the whole train to Dhubri, the passengers were given the unnecessary trouble of having to spend the night on a railway platform and the following morning to go by a tedious route to Dhubri, changing at Golakgange into a train which had neither accommodation nor the ordinary comforts of the usual railway carriages ?

(*c*) Do Government propose to make necessary inquiries and punish the officials guilty of inefficiency and irresponsible conduct ?

Mr. C. D. M. Hindley: (*a*) In addition to the efforts made by the local officers to establish connection with a steamer, the Traffic Manager, on instructions from the Agent, endeavoured to arrange with the Steamer Companies at Calcutta, but they expressed their inability to do anything. The railway authorities provided (through the Deputy Traffic Manager) some funds for feeding passengers at Dhubri.

(*b*) and (*c*). Government have made inquiries. The inconvenience caused to passengers, which is much regretted, was initially due to the breaches. The first duty of the railway officials was to arrange transhipment, if possible, and endeavours in this direction were made. When transhipment was found impossible, efforts were made to arrange a steamer, and on information received from the steamer agent, the passengers were sent to Dhubri on the 7th. That the information given by the steamer agent proved incorrect was not the fault of the railway officials. Further, Government would point out that occurrences of this nature are apt to disorganise train services entirely, and it is not always possible for railway officials to arrange the conveyance of passengers with the convenience to the latter that is desirable.

In view of the succession of breaches and the fact that the situation changed three times on July 6th, Government are of opinion that the railway officials did their best under difficult conditions. In the circumstances, Government do not intend to take any action.

CLERICAL ESTABLISHMENTS OF THE AUXILIARY AND TERRITORIAL FORCES.

322. **Mr. Gaya Prasad Singh**: (*a*) Are the Government aware that the clerical establishments of the Auxiliary and Territorial Force units in India and Burma are not given any pension, provident fund or gratuity; and if so, will the Government be pleased to state the reasons?

(*b*) Is it not a fact that the clerical establishments of the Auxiliary and Territorial Force units in India and Burma are now paid directly out of military funds and considered as permanent establishments? And if so, are they entitled to have the privileges in the matter of pay, leave and other advantages as are enjoyed by the employees in the Military Department of the Government? If not, will the Government define the exact nature of the public service they belong to, and their status therein?

(*c*) Is it a fact that a Committee of Officers assembled at Presidency and Assam District Headquarters at Fort William on the 7th April 1924 for the purpose of considering certain questions in connection with the clerical establishments of the Auxiliary and Territorial Force units? If so, will the Government be pleased to state the decision of the Committee and also to lay a copy of the report on the table?

Mr. E. Burdon: (*a*) The answer to the first part of the question is in the affirmative. As regards the second part, the necessity for the grant of such concessions has not, so far, arisen, as the clerks can be obtained under the present conditions.

(*b*) The clerical establishments of Auxiliary and Territorial Force units are paid from military funds. The members of those establishments are in temporary employ and are not entitled, therefore, to the privileges referred to.

(*c*) Yes. The Committee, which was an informal one, was assembled for the purpose of assisting Army Headquarters in the settlement of the questions referred to by the Honourable Member, which have been under consideration for some time. Government do not propose to lay a copy of the Committee's report on the table.

NUMBER OF INDIANS IN THE ALL-INDIA AND CENTRAL SERVICES ON THE 1ST APRIL 1924.

323. **Diwan Bahadur M. Ramachandra Rao** : (*a*) Will the Government be pleased to state the number of Indians in each of the All-India Services on the 1st April 1924 and the proportion of Indians in each of the Services on the said date ?

(*b*) Will the Government be pleased to state the number and the proportion of Indians in the Central Services on the 1st April 1924 ?

The Honourable Sir Alexander Muddiman: The information is being collected and will be furnished to the Honourable Member in due course.

ESTIMATED COST OF THE LEE COMMISSION'S RECOMMENDATIONS.

324. **Diwan Bahadur M. Ramachandra Rao** : Will the Government be pleased to state the estimated cost of the recommendations of the Lee Commission's report distributed among each of the Provinces and the Government of India ?

The Honourable Sir Basil Blackett: If the recommendations of the Lee Commission are accepted in the form in which they were made the estimated cost distributed between the Government of India and the Provinces is as follows :—

	Lakhs.
Government of India	26
Madras	9.7
Bombay	9.7
Bengal	9.3
United Provinces	10.8
Punjab	9.1
Burma	10
Bihar and Orissa	4.9
Central Provinces	5.7
Assam	2.9

The calculation has been made on the basis of a 16 pence rupee, and as exchange has been higher, the actual expenditure in the current year would be less ; but, on the other hand, it is possible, as the Commission recognised, that the number of officers taking advantage of the passage concession in the first few years will be more than normal. Secondly, the above calculation does not take into account the cost of the recommendations regarding house rent and medical attendance, which it is not possible to estimate accurately. In addition, there will be a sum of approximately 1¼ lakhs for the first year increasing by roughly the same figure every year for about 14 or 15 years, representing the cost of the pension concessions, of which it is not possible to show the distribution among the different Governments. The above represents the figures of cost as calculated by the Commission itself. To this may have to be added a sum of approximately 18 lakhs per annum if it is decided to extend the Commission's proposals to officers of the Great Indian Peninsula and East Indian Railways which will shortly become State managed lines and to officers of Company managed lines.

Against these extra charges must be set expected savings increasing annually due to replacement of European personnel by Indian. I can give no estimate of their amount or of their distribution among the various Local Governments.

NOMINAL VALUE AND COST PRICE OF BRITISH SECURITIES HELD IN THE PAPER CURRENCY AND GOLD STANDARD RESERVES.

325. **Baboo Runglal Jajodia** : Will the Government be pleased to state the purchase and present prices in sterling and in rupees of the British securities held in the Paper Currency Reserve and the Gold Standard Reserve, respectively ?

The Honourable Sir Basil Blackett : The sterling securities in the Paper Currency Reserve are entirely in the form of British Treasury Bills which are purchased, renewed, and realised from time to time at current rates. Their nominal value and cost price are both given in the weekly Abstract of the Accounts of the Currency Department published in the *Gazette of India*.

The Gold Standard Reserve, on the other hand, contains other securities besides Treasury Bills. Their nominal value and estimated market value are given in the quarterly accounts published in the *Gazette of India*. The accounts as on the 31st March 1924 were published in the *Gazette of India* of the 14th June 1924. The cost price of the securities, whose market value on the 31st March 1924 is stated therein as having been £39,999,059, was £39,978,159.

INCREASE OF CURRENCY IN INDIA.

326. **Baboo Runglal Jajodia** : (*a*) Will the Government be pleased to state if representations have been received from the Bengal Chamber of Commerce and from the Indian Mining Federation, and has the attention of the Government been drawn to a Resolution unanimously passed at a joint Conference of the departments of Industries, Agriculture, etc., in Calcutta on the 5th July last on the subject of increasing the amount of currency to meet the increased and growing demands of commerce and trade ?

(*b*) Will the Government be pleased to state what steps are intended to be taken in that direction ?

The Honourable Sir Basil Blackett : (*a*) The reply to the first part is in the affirmative and to the second in the negative.

(*b*) I would invite the attention of the Honourable Member to the Government's recent reply which has already appeared in the press to the representation by the Bengal Chamber of Commerce.

EXPENDITURE ON INSURANCE.

327. **Sardar Kartar Singh** : (*a*) What is the approximate annual expenditure of the Government of India on insurance of properties or stores or machinery belonging to the Government of India against fire, marine or any other kind of risk ?

(*b*) Has it been the practice of the Government of India in the past to insure their goods with foreign insurance companies who employ foreign capital ?

The Honourable Sir Basil Blackett : The information is being collected and will be furnished to the Honourable Member in due course.

RECRUITMENT FOR THE GOVERNMENT OF INDIA SECRETARIAT.

328. **Mr. Bhubanananda Das** : (*a*) Will Government be pleased to enunciate their policy of recruitment of staff for their Secretariat departments under their control ?

(*b*) Do they encourage people of all the Provinces of India to stand for recruitment to the Secretariat of India ?

(*c*) Do they encourage recruitment of officers to the Departments under their control in the Provinces where Central Government offices are located ?

(*d*) Do they recruit such officers direct or arrange recruitment through the respective Provincial Governments ?

The Honourable Sir Alexander Muddiman : (*a*) The clerical staff of the Government of India Secretariat is recruited through the Staff Selection Board by means of competitive examination, subject, where necessary, to the satisfaction of communal requirements.

(*b*) The examination is open to candidates from all parts of India.

(*c*) In Provinces where Central Government offices are located heads of Departments are ordinarily empowered to recruit subordinate staff by the employment of local men.

(*d*) Such recruitment is made direct and not through the respective Provincial Governments.

EMPLOYMENT OF ORIYAS IN THE PUBLIC SERVICES.

329. **Mr. Bhubanananda Das** : (*a*) Are Government aware that minor races like the Oriyas receive no recognition nor share in the posts recruited by the Central Government ?

(*b*) Will Government be pleased to state if there are any Oriyas employed in the Imperial Secretariat and the emoluments they receive ?

(*c*) Will Government be pleased to state the present number of Oriya officers in the—

(1) Postal Department,
(2) Income-tax Department,
(3) Salt Department,
(4) Customs Department,
(5) Forest,
(6) Railways ?

(*d*) Are Government prepared to instruct departmental heads in the sub-province of Orissa that in every instance they will give preference to Oriyas both in the provincial and subordinate cadre ?

The Honourable Sir Alexander Muddiman : (*a*) Government make no attempt to give each of the many races in India a definite share of the posts under the Central Government.

(*b*) A jemadar on Rs. 29-8 a month.

(*c*) The information will be obtained.

(*d*) The policy of the Government of India is to prevent a preponderance of any one class or community in the Public Services. Heads of

Departments subordinate to the Government of India have been instructed to bear this policy in mind in recruiting for posts under their control and no further instructions seem necessary.

EMPLOYMENT OF ORIYAS ON THE BENGAL-NAGPUR RAILWAY.

330. **Mr. Bhubanananda Das**: (*a*) Is it not a fact that the B. N. Railway derive large profits from pilgrims visiting Orissa ?

(*b*) Is it not a fact that the B. N. Railway has over 600 miles of running lines along the Oriya-speaking tracts ?

(*c*) Are Government aware that the B. N. Railway seldom employs Oriyas in its railway staff ?

(*d*) Will Government be pleased to call for a statement from that Railway regarding present employment of Oriyas as—

(*a*) Engineers,

(*b*) Assistant Traffic Superintendents.

(*c*) Station masters,

(*d*) Clerical staff,

on the B. N. Railway ?

(*e*) Are Government prepared to lay down a policy for this railway to reserve a certain proportion of employment for Oriyas in its track running over the Oriya-speaking country ?

Mr. C. D. M. Hindley: (*a*) Government have no information in regard to the precise extent of pilgrim traffic on the Bengal Nagpur Railway.

(*b*) Yes.

(*c*), (*d*) and (*e*). The Honourable Member is referred to the reply given to somewhat similar questions asked by Mr. B. N. Misra in the Legislative Assembly of the 2nd July 1923.

MILITARY OR CIVIL LINE OVERSEER IN THE ARMY REMOUNT DEPARTMENT.

331. **Mr. Abdul Haye**: (*a*) Will the Government please state what is the original budgeted pay of a Civil and Military Line Overseer in the Army Remount Department ?

(*b*) What are the duties of a Civil and Military Line Overseer and what qualifications are required of him ? Is it necessary that he should also have veterinary qualifications ?

(*c*) Who is at present holding this post and when was he appointed ?

(*d*) What pay and allowance does he get ?

(*e*) If he is getting more than the budgeted amount has the sanction of the Government been obtained to this additional expenditure. If so, when ?

(*f*) Since the creation of this post, what additional expenditure (if any) has the Government borne which was not originally provided for in the budget ?

Mr. E. Burdon: (*a*) The pay provided in the budgets of the years 1904 to 1907 for the appointment of Military or Civil Line Overseer was Rs. 150 per mensem. Since 1907 this has been increased to Rs. 170 per mensem.

(*b*) The duties of the Military or Civil Line Overseer are—

(*i*) to supervise the management of the stallion stable No. 11 at Babugarh ;

(*ii*) to assist the District Remount Officer in matters connected with horse-breeding operations, horse shows and fairs held in the area, and to make arrangements for the purchase and branding of young stock and mares ; and

(*iii*) to look after both Imperial and Provincial stallions, pharmacies, gear, clothing, saddlery, etc.

He is required to have a working knowledge of veterinary subjects but not a specific veterinary qualification.

(*c*) A serjeant of the India Miscellaneous List, who was appointed on the 27th April 1922.

(*d*) Pay at Rs. 150 per mensem *plus* staff pay at Rs. 20 per mensem, and such allowances as are admissible to a regimental non-commissioned officer of corresponding rank.

(*e*) He is not being paid more than the budgeted amount.

(*f*) *Nil*.

COMPULSORY RETIREMENT OF RISALDAR MAJOR HABIB-UL-RAHMAN OF THE ARMY REMOUNT DEPARTMENT.

332. **Mr. Abdul Haye** : (*a*) Is it a fact that Shahzada Habib-ul-Rahman who served as an Indian Officer and was lately working in the Army Remount Department was made to retire after he had put in only 28 years of service and before he had earned his full pension ?

(*b*) What is the usual limit of service after which an officer in the military compulsorily retires ?

(*c*) Is it a fact that Risaldar Lal Chand who has succeeded to the vacancy caused by Risaldar Major Habib-ul-Rahman's retirement has already put in 31 years of service ?

(*d*) Is it a fact that on a previous occasion Risaldar Lal Chand was refused confirmation because his work was reported on as unsatisfactory ?

(*e*) If the answer to parts (*c*) and (*d*) be in the affirmative, will the Government please state the reasons which led the Government to retain the services of Risaldar Lal Chand in preference to Shahzada Habib-ul-Rahman ?

Mr. E. Burdon : (*a*) On the reduction of the complement of Indian officers authorised for the Remount Department as a measure of retrenchment, Risaldar Major Habib-ul-Rahman, Bahadur, was selected by the head of the department for discharge to pension as being the least suitable for retention in the Department.

(*b*) 32 years.

(*c*) Jemadar Lal Chand has not been appointed permanently to the vacancy caused by the retirement of Risaldar Major Habib-ul-Rahman. This Jemadar, who was employed in the Shahpur area, Sargodha, was merely transferred to the Amritsar area to replace Risaldar Major Habib-ul-Rahman as a temporary departmental arrangement.

(*d*) No, the confirmation of Jemadar Lal Chand was not refused. On the expiry of this Indian officer's probationary service in the department, he was recommended by his Commanding Officer for retention

permanently in the department, but in the interests of the service it was thought necessary to extend the probationary period so as to obtain confirmation of the recommendation made by the Commanding Officer.

(*e*) This question does not require an answer in view of the information which I have given.

HARDSHIPS OF INDIAN LABOURERS IN BURMA.

333. **Mr. B. Venkatapatiraju** : (*a*) Will the Government be pleased to state whether the Government are aware that the labourers from India emigrated to Burma are ill-treated and ill-paid and unscrupulously exploited ?

(*b*) that the workman's breach of contract is fully made use of by the employers ?

(*c*) that the labourers are often cheated by the *maistries* ?

(*d*) that the Burma Government are unwilling to protect those unfortunate men and women ?

(*e*) Owing to the disproportion of sex there is good deal of immorality in the labour population ?

(*f*) that the housing accommodation is quite inadequate and even 30 to 40 people are occupying one or two rooms ?

(*g*) that the Burma Finance Committee is reported to have stated that if the conditions of employment are inadequate it is for the different Provincial Governments from which the labourers came to make inquiries into the matter ?

(*h*) Do the Government propose to consider the advisability of instituting an inquiry into those matters and publish a statement about the condition of their wages, hours of work, sanitary arrangements, housing accommodation and medical relief and enforcement of penal clauses under breach of contract of service and generally the physical, moral and economic condition of Indian labourers in Burma ?

The Honourable Mr. A. C. Chatterjee : (*a*) to (*g*). Government have seen statements to this effect in a recent publication.

(*h*) The Government of Burma have been asked for a report.

INCOME FROM ADVERTISEMENTS ON TELEGRAPH FORMS.

334. **Mr. B. Venkatapatiraju** : Will the Government be pleased to state what amount has been realised up to now by permitting advertisements on telegraph forms ? What would be the additional cost of utilising better paper for telegraph forms so as to make the message more readable ?

Mr. H. A. Sams : (*i*) Rs. 18,988-4-9

(*ii*) The additional cost would be about Rs. 5,000 a year.

NUMBER OF AND EMOLUMENTS PAID TO I. C. S. OFFICERS IN 1913 AND 1923, RESPECTIVELY.

335. **Mr. B. Venkatapatiraju** : What was the number of and the amount paid to I. C. S. officers in 1913 and what was the number of and amount paid to I. C. S. officers in 1923 ?

The Honourable Sir Alexander Muddiman : The figures for 1913-14 and 1923-24 are as follows :—

	Numbers.
1913-14	1,370
1923-24	1,290

Pay including leave salary and all allowances except travelling allowance.

Serving under Provincial Governments ..	1913-14 ..	225 lakhs.
	1923-24 ..	254 lakhs.
Serving under Central Government ..	1913-14 ..	25 lakhs.
	1923-24 ..	41 lakhs.

INCREASE OF EMOLUMENTS IN THE CIVIL AND MILITARY SERVICES.

336. **Mr. B. Venkatapatiraju :** Will the Government be pleased to state whether as stated by Mr. Montagu in Parliament the increase of emoluments to the Indian Civil Service was £360,000, Indian Police Service £130,000, Indian Educational Service £100,000, British Officers of Indian Army and British troops £1,700,000, Indian Medical Service £250,000, total £2,540,000 ?

The Honourable Sir Basil Blackett : The figures quoted were obtained by converting the estimated extra cost in rupees into sterling at the rate of 2 shillings per rupee. It is not correct now to say that the extra cost in sterling is as stated in the question, as exchange is now far below 2. If the sterling figures be reconverted at ten rupees to the pound sterling, the result will be correct.

PAY AND PENSION OF THE INDIAN CIVIL SERVICE.

337. **Mr. B. Venkatapatiraju :** (*a*) Will the Government be pleased to state whether the statement made by Earl Winterton in Parliament is accurate that the initial pay of I. C. S. Officers has been raised to 50 per cent. and that under the time scale, officers receive yearly increments and that a substantial increase has been made in the pay of officers in the ordinary line ?

(*b*) Is it a fact that the pension of £1,000 annually is from 1919 being usually assumed by the State, the 4 per cent. contribution previously enforced being funded for the benefit of officers on retirement ?

The Honourable Sir Alexander Muddiman : (*a*) The pay of Indian Civil Service officers in their first year of service was raised from Rs. 400 a month to Rs. 600 a month with effect from 1st December 1919. The average increase of pay granted at this time is estimated to have been about 10 per cent.

(*b*) 4 per cent. contributions paid after 1st April 1919 are funded for the benefit of officers on retirement.

LIBERALISATION OF THE LEAVE RULES, ETC.

338. **Mr. B. Venkatapatiraju :** Is it a fact that the leave rules are liberalised and greater facilities are given for leave on higher pay and

furlough pay is based on 12 months' salary instead of the average of 3 years as formerly and whether it is a fact that it is to the advantage of an officer to be on leave drawing higher pay than serving in the department drawing smaller pay and whether steps were taken to remove this anomaly ?

The Honourable Sir Basil Blackett : The Honourable Member has asked five questions in one. The answer to the first three is broadly in the affirmative. The answer to the fourth is that it is not always a fact, but it does sometimes happen that an officer is better off on leave than on duty. As regards the fifth, the reply is that the question is under consideration.

OVERSEAS PAY OF THE SUPERIOR SERVICES.

339. **Mr. B. Venkatapatiraju :** Is it a fact that the improvement in the pay of the Superior Services is to a large extent represented by the overseas allowance and is it not a fact that overseas pay is much more and not less than double the exchange compensation allowance which was abolished ?

The Honourable Sir Basil Blackett : It is difficult to generalise ; but roughly speaking, the suggestion in the first part of the question is correct. Exchange compensation allowance ranged from Rs. 25 to Rs. 138, and overseas pay ranges from Rs. 125 to Rs. 250.

EXPENDITURE INCURRED IN CONNECTION WITH H. E. THE VICEROY AND HIS ESTABLISHMENTS.

340. **Mr. B. Venkatapatiraju :** Is it a fact that the Viceroy with his establishments costs 12 lakhs of rupees ?

The Honourable Sir Basil Blackett : I would invite the Honourable Member's attention to the answers given by me and the Honourable Mr. A. C. Chatterjee to similar questions by Mr. T. C. Goswami on the 14th February 1924 and 8th March 1924. To the information then given I need only add that the salary of the Governor General is Rs. 2,50,800 *per annum.*

AVERAGE INCOME PER HEAD IN INDIA.

341. **Mr. B. Venkatapatiraju :** Is it a fact that Indian income is about 20 dollars per head and if not what is the Government estimate ?

The Honourable Sir Basil Blackett : I would refer the Honourable Member to my reply to starred question No. 151 on page 185 of the Legislative Assembly debates of the 5th February 1924.

QUESTIONS RELATING TO KENYA AND THE POLL-TAX IN FIJI.

342. **Mr. B. Venkatapatiraju :** Will the Government be pleased to state the result of deliberation of the Colonies' Committee regarding the Kenya problem and the poll-tax in Fiji and whether the Government are prepared to publish even now the Fiji Deputation report long overdue ?

Mr. J. W. Bhore : As regards Kenya the Honourable Member is referred to the statement made by the Secretary of State for the Colonies in the House of Commons in reply to Mr. Mills on August 7th. For the convenience of Honourable Members a copy of the statement is laid on the table. The result of the representations made by the Colonies Committee in regard to Fiji is not yet known. The publication of the report of the Fiji Deputation is still under consideration.

London, August 7th, 1924.

In the House of Commons to-day, Mr. Mills asked whether the Secretary of State for the Colonies was in a position to make a statement with regard to representations recently made to him on certain matters affecting Indians in Kenya by the Indian Colonies Committee.

Mr. Thomas, replying, said : I will take the subjects in the order in which they were raised by the Committee.

(1) Immigration.—My position is that if danger ever arises of such an influx of immigrants, of whatever class, race, nationality or character, as may likely be prejudicial to the economic interest of the natives, I hold myself entirely free to take any action which may be necessary. Conflicting statistics which have been laid before me have not enabled me to reach a definite conclusion as regards the extent of net Indian immigration. Accordingly steps will be taken to create a statistical department to obtain accurate information with regard to persons of all races arriving in or departing from Kenya. Meanwhile the Kenya Immigration Ordinance will not be enacted.

(2) Franchise.—I have given careful consideration to representations in favour of a common poll, but I am not prepared to resist the conclusion already arrived at that in the special circumstances of Kenya, with four diverse communities, each of which will ultimately require electoral representation, the communal system is the best way to secure the fair representation of each and all of these communities.

(3) Highlands.—I consider that the Secretary of State for the Colonies has no alternative but to continue pledges, expressed or implied, which had been given in the past, and I can hold out no hope of the policy in regard to agricultural land in the Highlands being reconsidered.

(4) Lowlands.—It was proposed to reserve an area in the Lowlands for agricultural immigrants from India. The Committee made it plain that it is averse from any reservation of land for any immigrant race, subject to the suggestion that before applications for land in Lowland areas are invited an opportunity should be taken of sending an officer experienced in Indian settlement and agricultural methods to report on the areas. At present any consideration of the matter is in suspense pending receipt from the colony of reports from the native and agricultural points of view on the areas in question.

Floods in Southern India.

343. **Mr. B. Venkatapatiraju :** Will the Government be pleased to state whether the Government of India received any communication from the Local Government regarding the great devastation and damage caused by the recent floods in Southern India and the loss estimated by them and steps taken to give relief and to restore the damaged roads, etc., to normal condition and whether they applied for any relief from the Imperial Government ?

Mr. J. W. Bhore : Intimation has been received from the Local Government regarding the occurrence of floods in parts of the Madras Presidency but except in the case of railways details as to the extent of the damage caused are awaited. So far the Government of India have not received any report indicating the steps taken by the Local Government to give relief, etc., or any application asking for relief.

INCREASE IN THE RATE OF INTEREST ON POSTAL SAVINGS BANK DEPOSIT.

344. **Mr. B. Venkatapatiraju** : Will the Government be pleased to state whether the Government have ever considered the desirability of increasing rate of interest to 4 per cent. on postal Savings Bank deposits and utilising the said amount by loaning at 6 per cent. to the Co-operative Banks.

The Honourable Sir Basil Blackett : The Government do not consider it desirable to increase the rate of interest on postal Savings Bank deposits.

THE POST OFFICE AND INSURANCE WORK.

345. **Mr. B. Venkatapatiraju** : (*a*) Have the Government considered the question as to whether the Post Office has a very large field for development as insurance agency to the public at large ?

(*b*) Was the Director General consulted whether it is a feasible scheme ?

The Honourable Mr. A. C. Chatterjee : The question of extending the scope of the Postal Insurance Scheme has been raised, and is receiving careful consideration.

EXTRA EXPENDITURE INCURRED BY THE GOVERNMENT OF INDIA FROM 1917 TO 1923.

346. **Mr. B. Venkatapatiraju** : Will the Government be pleased to state the total amount incurred on account of extra expenditure since 1917 till the end of the official year 1923 over and above the normal expenditure and how much of it was due to War and how much was due on account of increased pay and allowances, pensions, etc., to Government servants, civil and military, and whether any portion of it was spent for productive or developmental purposes ? Whether the whole excess can be placed at 500 crores of rupees and how much of it was met by increased taxation and how much by loans ? Whether it is a fact that non-productive debt was reduced to 3 crores only by 1916 ? What is the amount of unproductive debt at the present moment or as far as figures are available ?

The Honourable Sir Basil Blackett : The Honourable Member is referred to the Finance and Revenue Accounts for the various years and the Finance Member's Budget speeches from 1917 onwards, copies of which will be found in the Library. If the Honourable Member wishes to have any information which he cannot obtain from these papers, I shall be glad if he will speak to me on the matter.

STATEMENT LAID ON THE TABLE.

The Honourable Mr. A. C. Chatterjee (Industries Member) : Sir, I lay on the table a statement furnished by the High Commissioner for India showing the cases in which the lowest tenders have not been accepted by him in purchasing stores for the Government of India during the half year ending the 30th June 1924.

HIGH COMMISSIONER FOR INDIA,
INDIA STORE DEPARTMENT.

ABSTRACT OF CASES in which Tenders, other than the lowest offering suitable goods, were accepted on the grounds of superior quality, superior trustworthiness of the firm tendering, greater facility of inspection, quicker delivery, etc.

HALF YEAR ENDING 30TH JUNE, 1924.

PART A.—*Cases in which lower foreign tenders, including British tenders for foreign made goods, have been set aside wholly or partially in favour of British tenders.*

Stores ordered.	Contract Number.	Name of Contractor.	Amount of contract.	Lowest Tender not accepted.	Reason for acceptance.
			£. s. d.	£. s. d.	
Axles, engine . . .	D. 706-38, 18th February 1924.	Wm. Jessop & Sons, Ltd. .	324 0 0	250 19 0 (German).	One item of three crank axles was stated by the Railway Board, after a summary of the tenders had been telegraphed to them, to be urgently required. The lowest tenderers were unable to guarantee delivery within the period required, and it was therefore necessary to order the three axles in question from the lowest British firm. For the remaining axles the lowest tender (German) was accepted.
Wheels and Axles .	D. 1600-2429, 14th May 1924.	Wm. Beardmore & Co., Ltd.	2,340 0 0 (German) for 60 pairs.	1,434 0 0	212 pairs of wheels and axles were indented for by telegram, delivery being required at the rate of 20 pairs a month commencing by May, 1924. The lowest satisfactory tender came from the Bochumer Verein, but shipment could not be expected to commence before August if this tender was accepted. It was therefore necessary to place an order for 3 months' supply with the lowest tenderer who could be relied upon to give quick delivery. Sixty pairs were accordingly ordered from Beardmore and Co., who promised to commence in 5 weeks. The balance of the order was given to the Bochumer Verein.
PART B.—*Cases in which the discrimination is between British or between Foreign firms and not between British and Foreign.*					
Windlass	D. 76-8849, 7th January 1924.	Clarke, Chapman & Co., Ltd.	131 0 0	108 0 0	Superior value. The lower offer was for a less powerful machine, and the accepted tender was well within the price estimated by Burma.
Chasers . .	D. 251-0040, 18th January 1924.	E. H. Pickford & Co., Ltd. .	15 11 0	12 17 0	Considered better value, the stores offered being much stronger and heavier and worth more than the difference in cost.

HALF YEAR ENDING 30TH JUNE, 1924.—*contd.*

PART B.—*Cases in which the discrimination is between British or between Foreign firms and not between British and Foreign.—contd.*

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.	Lowest Tender not accepted.	Reason for acceptance.
			£. s. d.	£. s. d.	
Dog Spikes . . .	D. 456-30, 30th January 1924.	A. de Barsy . . .	5,309 10 9 (at £12-1-0 per ton). for T. Cwts. qrs. lbs. 439 14 1 4	5,100 13 0 (at £11-12-0 per ton).	The dog spikes were urgently required in India. The lowest tenderer had proved unreliable as regards deliveries so was only entrusted with a portion of this large order, viz., 146 tons (approx.).
Level	D. 524-210, 4th February 1924.	E. R. Watts & Son, Ltd. .	25 0 0	22 0 0	The lower quotation included a bubble reading attachment generally considered suitable; but the accepted tender included a Zeiss prism reading attachment, at an extra cost of only £3, which the Indenting Department is known to prefer.
Steel, mild, bar. . .	D. 896-672, 6th March 1924.	Patent Shaft & Axletree Co., Ltd.	34 8 6	32 17 2	The lower tender did not offer delivery in time to meet the urgent requirements of the Indenting Department.
Axles, steel, engine . .	D. 994-657, 21st March 1924.	Bochumer Verein . .	777 4 0 (German).	752 0 0 (German).	As the stores were stated to be urgently required, the order was placed with the second lowest tenderer at the small extra cost of £25 in order to secure delivery two months earlier than the time offered by the lowest.
Boiler . . .	D. 1175-8533, 8th April 1924.	James Neilson & Son, Ltd. .	580 0 0	568 0 0	The Indenting Department asked for the boiler to be delivered in India by the 31st January, 1924, the indent being received in the Store Department on the 21st November, 1923. The delivery specified could not be secured at such short notice, nor could the boiler be obtained in time to allow of payment in the financial year 1923-24. Enquiries had therefore to be made regarding budget provision, and it was not possible to place the order before the 8th April. In view of the urgency it was decided to pay the small extra sum of £12 to secure delivery about four weeks earlier than that offered by the lowest tenderer.
Binoculars . .	D. 1910-2618, 3rd June 1924.	J. W. Atha & Co. . .	209 0 0 (German Zeiss glasses with British Cases).	204 0 0 (French glasses and Cases).	Better value. Both the glasses and cases offered by Atha were considered superior to those offered by the lower tenderer and well worth the small difference in cost.
Carbonate of Soda . .	D. 2079-2213, 13th June 1924.	Brunner Mond & Co., Ltd. .	26 19 6	26 0 0	Superior value. Accepted tenderer's sample was of better quality.

PETITIONS RELATING TO THE INDIAN PENAL CODE (AMENDMENT) BILL.

(AMENDMENT OF SECTION 375.)

The Secretary of the Assembly : Sir, under Standing Order 78 I have to report that 60 petitions, as per statement laid on the table, have been received relating to the Bill further to amend the Indian Penal Code (Amendment of section 375), which was introduced into the Legislative Assembly by Dr. H. S. Gour.

Mr. President : These petitions are referred to the Committee on Public Petitions.

GOVERNOR GENERAL'S ASSENT TO BILLS.

Mr. President: I have to acquaint the Assembly that His Excellency the Governor General has been pleased to give his assent to the following Bills :—

The Indian Soldiers Litigation (Amendment) Act, 1924,

The Indian (Specified Instruments) Stamp Act, 1924,

The Steel Industry (Protection) Act, 1924.

ELECTION OF MEMBERS OF THE LEGISLATURE TO SERVE ON THE COMMITTEE TO CONSIDER THE FLOW OF CAPITAL INTO INDIA FROM EXTERNAL SOURCES.

The Honourable Sir Basil Blackett (Finance Member) : Sir, I have to ask you to inform the House that in accordance with the promise made to the House during the debate on the Steel Protection Bill by the Honourable Commerce Member, Government propose to appoint a Committee to consider the question of the flow of capital into India from external sources consisting of four Members elected by the Assembly, three Members elected by the Council of State, the Honourable Sir Charles Innes and myself as Chairman. I have to ask you, Sir, that you will kindly take the necessary steps for the election of four Members from this House.

Mr. President : I hope to be in a position to make an announcement at the next meeting of the Assembly regarding the manner in which these four Members are to be elected.

Mr. Jamnadas M. Mehta : There are to be only four Members from this House ?

Mr. President : The Finance Member has asked for four Members.

Mr. Chaman Lall : May I ask whether there is going to be any Member from the Council of State ?

(*A Voice* : " Three ".)

STATEMENT OF BUSINESS.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I wish to give Honourable Members such information as I can as to the course of business during the current session.

[Sir Alexander Muddiman.]

After to-day the next meeting will be on Monday, the 8th, when we hope to take up the second readings of the Bills on to-day's agenda. On Wednesday, 10th, we are prepared to set down the Government Resolution on the Lee Commission's Report, if the House is agreeable to that course. If the House thinks that it has not had sufficient notice, I am prepared to postpone the debate. If the debate begins on the 10th and continues on the 11th, we hope to conclude on the 12th.

Honourable Members will probably desire some explanation of the course of the meetings, during the first week. The explanation is this. Government legislation for the time being is held up on account of the fact that several Bills are being referred to Select Committee, and until opportunities can be had for Committees to sit and report to the House, no further progress can be made. We always find it difficult to get together Select Committees at the time when the House is sitting. It seems desirable that we should during the first week devote as much time as possible to finishing off these Committees. At present two Select Committees will sit to-morrow, the 4th, one on Friday, the 5th, and one on Saturday, the 6th. If the business before the House is finished on Monday by lunch time, a Committee will sit in the afternoon and two on Tuesday, the 9th. I hope that most of the Bills in Committee will come back to the House promptly, so that there will be no lack of business from the 10th onwards. I am assuming that the debate on the Lee Commission's Report will be finished not later than Friday, the 12th. Monday, the 15th, will be devoted to a Government Resolution on the subject of the separation of Railway finance. Tuesday, the 16th, and Tuesday, the 23rd, have been allotted for non-official Bills, and Thursday, the 18th, for non-official Resolutions. I hope that, subject to the orders of H. E. the Governor General, Monday, the 22nd, will also be allotted for unofficial Resolutions. The remaining days of the session will be occupied by further stages of the Bills now pending in this House. The Bills which we hope we will be able to dispose of finally are the Code of Civil Procedure (Amendment) Bill, the Indian Criminal Law Amendment Bill, ordinarily referred to as the Morality Bill, the Imperial Bank of India (Amendment) Bill, the Indian Merchant Shipping (Amendment) Bill, and those new Bills which appear on the list of business for to-day. In addition there are three or four other Bills which will be introduced in another place which I hope will come before this House for consideration, before the end of the session. I anticipate the session will close on or about the 23rd or 24th.

Dr. H. S. Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, after the statement made by the Honourable the Home Member that there is a paucity of work during the first week, owing to the necessity of convening meetings of various Select Committees, may I inquire what was the necessity for calling up the whole House when, according to the statement made by the Honourable the Home Member, only certain members of the Select Committee were all that was necessary for the purpose of convening the meetings of the various Select Committees to make further progress with the Bills ? I beg to ask what necessity there was for Government to convene a meeting of the Legislative Assembly to-day, which is not likely to last for another hour, and then to adjourn it from to-day to the 8th September ?

The Honourable Sir Alexander Muddiman: One of the very obvious reasons is that two Select Committees cannot sit until the House passes the

business on the agenda to-day. Secondly, it is well known to Dr. Gour that Honourable Members will not come up unless the House is in session. That is the reason why we have got a meeting to-day.

Pandit Motilal Nehru (Cities of the United Provinces : Non-Muhammadan Urban) : Sir, is it not possible for the Honourable the Home Member to give us a third day, with the sanction of H. E. the Governor General, for non-official Resolutions, even if it is necessary to extend the session by a day ?

The Honourable Sir Alexander Muddiman : I shall do my best to consider my Honourable friend's suggestion, but I must point out that two days for Bills and two days for Resolutions have been allotted for unofficial business. Compared with the Government business it is a very fair proportion.

Pandit Motilal Nehru : It does not compare with the number of non-official Resolutions.

Dr. H. S. Gour : Is it not a fact that over 200 Resolutions are pending disposal and yet the Honourable the Home Member considers that two days constitute sufficient time to dispose of those Resolutions ?

The Honourable Sir Alexander Muddiman: Would the Honourable Member consider three days as sufficient time for 200 Resolutions ?

Sir Henry Moncrieff Smith (Secretary, Legislative Department): I would add to that that there are far more than 200 Resolutions, and I calculate that if the House sat for five days in every week, the pending Resolutions would not be finished in a year.

Dr. H. S. Gour : Is that not a sufficient reason why more days should be allotted to non-official Resolutions ?

Pandit Shamlal Nehru (Meerut Division: Non-Muhammadan Rural): You might allot some days between for non-official Resolutions.

The Honourable Sir Alexander Muddiman : Committees are sitting on every day between those dates and surely the House will require some time to prepare for the large debate on the 10th instant.

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban): Having regard to the fact that so much non-official business is pending, I suggest that this session should be prolonged for a week longer.

The Honourable Sir Alexander Muddiman : I understand that there is very grave objection to this. The Pujah holidays begin in Bengal at the end of this month and I doubt if the House will wish to sit during that period.

(*Several Honourable Members*: " We have no objection to sit.")

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Do Government realise that the small amount of time allotted for non-official business is creating a great deal of dissatisfaction in the public mind ? The matter of the number of Resolutions pending has been dealt with somewhat lightly by the Secretary of the Legislative Department. The fact that we cannot dispose of Resolutions pending, even sitting for five days in a week, in the course of a year, is a very strong reason why many more days should be set apart for non-official Resolutions. These Resolutions deal with questions of vital interest to the people. The Government call a meeting of the

[Pandit Madan Mohan Malaviya.]

Assembly at great public cost. We come up here at the sacrifice of private business. Is it not fair, therefore, that Government should consult the Members of the Assembly in the matter of fixing dates for non-official business, and is it not only fair that the Government should extend the session even if a few Members should not be able to continue to stay here to the end ? I think some of the Members will forego their Pujah holidays if the interests of the country demand their presence here. I therefore urge that there is very great reason why more days should be assigned to non-official Resolutions, and I hope that Government will reconsider the matter.

Mr. President: Enough has been said to show Government the feeling of the House in this matter, and I am sure that Honourable Members may rely on the Honourable Home Member making recommendations in the proper quarter in that sense.

THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

NOMINATION OF MR. K. C. NEOGY TO SERVE ON THE SELECT COMMITTEE.

Sir Henry Moncrieff Smith (Secretary, Legislative Department) : Sir, I beg to move :

"That Mr. K. C. Neogy be nominated to serve on the Select Committee to consider and report on the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes."

This particular Committee is without a Chairman, owing to the absence of Sir Henry Stanyon, and Mr. Neogy has consented to take his place if the House so pleases.

The motion was adopted.

THE INDIAN CRIMINAL LAW AMENDMENT BILL.

NOMINATION OF MR. K. C. NEOGY TO SERVE ON THE SELECT COMMITTEE.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I beg to move :

"That Mr. K. C. Neogy be nominated to serve on the Select Committee to consider and report on the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, for the purpose of affording greater protection to persons under the age of eighteen years."

This Committee is also in the same position as the previous one, namely, without a Chairman, owing to the absence of the same gentleman, and my Honourable friend has kindly agreed to serve, if the House so desires.

The motion was adopted.

THE INDIAN MERCHANT SHIPPING (AMENDMENT) BILL.

Mr. J. W. Bhore (Secretary, Department of Education, Health and Lands) : Sir, I beg to ask for permission to incorporate in the motion the names of the Select Committee which I have given in the motion.

I beg to move :

"That the Bill to amend the Indian Merchant Shipping Act, 1923, for certain purposes be referred to a Select Committee consisting of the following :

Nawab Sir Sahibzada Abdul Qaiyum,
Mr. M. A. Jinnah,

Mr. Kabeer-ud-Din Ahmed,
Sir Henry Monerieff Smith,
Mr. W. S. J. Willson,
Khan Bahadur Wali Mohamed Hussanally,
Captain Ajab Khan,
Diwan Bahadur T. Rangachariar,
Khan Bahadur Sarfaraz Hussain Khan,
Haji Syed Abdul Khadar Sahib Jeelani,
Khan Bahadur Maulvi Ghulam Bari, and
Mr. J. W. Bhore,

and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be 7."

Sir, it is not necessary for me to take up the time of this House in retraversing the ground covered by Sir Montagu Butler in introducing this Bill. I would, however, like, even at the risk of some repetition, to emphasize this fact, that in bringing forward this measure, the Government were merely acting in response to pressure from many quarters to deal, on the general lines of this Bill, with this problem of destitute Haj pilgrims, a problem which, as the Honourable Members of this House know, has now assumed serious proportions. I would also like to emphasize the fact that the Central Haj Committee in this country and the Haj Committee in Jeddah were both emphatic and unequivocal in their opinion that the only possible hope of a satisfactory solution lay along the lines which are followed in this Bill. Sir, when this Bill was introduced, the Government, after consultation with the Muhammadan Members of this House, realised that it was not a measure which could be rushed through in a single session. Touching, as it does, a matter which is of the utmost importance to the Muslim faith, it was felt that the very widest opportunity should be given to all who were concerned to make themselves acquainted with its provisions and to understand all its implications. With the sanction of this Assembly the measure was circulated for the purpose of eliciting opinions thereon, and the result of this circulation is now before the Honourable Members of this House. I venture to assert, Sir, that it is clear beyond doubt that the bulk of educated and responsible Muhammadan opinion in this country is generally in favour of this measure. Further, practically all Local Governments have also lent it their support. In these circumstances, Sir, the Government feel not merely that they are justified in proceeding with this measure, but that they ought to do so, in view of the fact that they feel that the bulk of responsible Muhammadan opinion is in favour of it. There are, it is true, certain provisions of this Bill which have elicited adverse comment, and I think the bulk of that criticism is directed against clause 5. Now, Sir, I would like to make it clear that there is no sinister intention behind that clause. It originated, if I may say so, in a suggestion from the Bombay Government that no pilgrim ships should be allowed to sail from any port in the Presidency on a date later than the 10th day of *Zilkada*, the reason for that being that there had been many complaints that Indian pilgrim ships often arrived too late to enable Mecca to be reached in time for the Haj. In view, however, of the opposition which this clause has evoked, and as this clause is not really concerned with the substance of the Bill, I may say that Government are quite prepared to delete it. There are also certain other minor provisions of the Bill in regard to which too there has been some criticism, and I may say at once that the Government are quite prepared to consider any modification that may be necessary to meet such objections as are reasonable, and such objections

[Mr. J. W. Bhore.]

as have a real measure of public support behind them, when this measure goes into Select Committee. All these matters, Sir, can, I think, best be considered in Select Committee, and I therefore beg to move the motion which I have just read out.

The motion was adopted.

THE IMPERIAL BANK OF INDIA (AMENDMENT) BILL.

The Honourable Sir Basil Blackett (Finance Member) : Sir, like Mr. Bhore, I have to ask your permission to amend the form of this notice by including in it the names of the Members whom it is proposed to appoint to the Select Committee. It was impossible to do this before because it had not been possible to obtain the assent of individual Members to take part in the Select Committee.

The motion I have to make, therefore, is :

"That the Bill to amend the Imperial Bank of India Act, 1920, be referred to a Select Committee consisting of :

Diwan Bahadur T. Rangachariar,
Pandit Motilal Nehru,
Sir Purshotamdas Thakurdas,
Mr. H. G. Cocke,
Mr. K. C. Neogy,
Mr. Bipin Chandra Pal,
Mr. Jamnadas M. Mehta,
Mr. W. S. J. Willson,
Mr. Ahmad Ali Khan,
and the mover ;

and that the number of Members necessary to constitute a meeting of the Committee shall be 5."

I need not enter at all deeply into the questions raised in this Bill. It has been circulated for opinions and the opinions have been received. They show the desirability of one or two small amendments which I think can be best dealt with in Select Committee. There is one general point however which I would like to touch on. More than one of the opinions received refers to the desirability of restricting the scope of the measure so that it should give assistance to banking companies registered under the Indian Companies Act and to no other companies, that is, that it should be confined to Indian companies with rupee capital, operating in this country. This is a comment which has been made by a good many of those who have given opinions on this Bill, but it is due, I think, to a misapprehension. The amending Bill definitely refers to banking companies within the meaning of section 13 of the Imperial Bank of India Act. This section refers to banking companies carrying on business in India of which the capital is divided into shares, and the explanation to the section says :

"For the purposes of this section, 'banking company' means any company formed for the purpose of carrying on the business of banking, and registered under the Indian Companies Act, 1913, or the law relating to companies for the time being in force in British India."

The amending Bill therefore is already confined to Banking companies registered in India under the Indian Companies Act ; and the foreign exchange banks and others to which reference is made are already outside the scope of the Bill. I thought it desirable to draw attention to that in public because there has been some misunderstanding

on the matter. I will not enter into any of the other smaller items which I hope will be dealt with by the Select Committee, and I will therefore confine myself to moving the motion which I read out.

The motion was adopted.

The Honourable Sir Basil Blackett : Sir, with reference to the motion which has just been passed I am asked by the Secretary in the Legislative Department to say that it is proposed, if it is convenient to members of the Select Committee on the Imperial Bank of India (Amendment) Bill, to hold a meeting to-morrow morning at 11 O'clock.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : Sir, there is another meeting of an important Committee to-morrow which I have to attend.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) : The same applies to me. Sir Charles Innes will perhaps tell the Finance Member that he is convening to-morrow at 11 A.M. a meeting of the Central Railway Advisory Committee which is rather important.

The Honourable Sir Basil Blackett : It is evident that I had better withdraw for the moment that notice and give private notice to the members of the Committee as to when they will meet. It shows, however, the desirability of the early meeting of the Assembly.

THE LAND CUSTOMS BILL.

The Honourable Sir Basil Blackett (Finance Member) : Sir, I beg to move for leave to introduce a Bill to consolidate, amend and extend the law relating to the levy of duties of customs on articles imported or exported by land from or to territory outside British India.

The purpose of this Bill is stated fully in the Statement of Objects and Reasons. It is a longish Bill but is fairly simple in its purpose. As things stand at present the only laws which govern the collection of land customs in British India are those which are now in force in Madras and Bombay. These laws have for many years been felt to be entirely insufficient and defective and it has not been possible in fact to work the system of land customs except by using the corresponding provisions in the Sea Customs Act as a guide to the way in which customs ought to be collected rather than the law under which they are actually collected on the land frontiers. The matter has become more urgent owing to the fact that the administration of customs is now a Central subject and is being taken over and centralised by the Government of India. At the present moment the Collector of Customs in Madras, who is an Imperial Officer and is collecting sea customs as an officer of the Government of India, is for the particular purpose of collecting land customs an officer of the Madras Government. It is not a convenient arrangement and the Madras Government is anxious to bring it to an end. Similar conditions obtain in Bombay. Further there was an Act passed in the last session, the Indian Tariff (Amendment) Act, 1924, to apply the customs tariff, or parts of it, to goods crossing the frontier of any foreign territory. That Act is quite inoperative on at least one important frontier, namely, the frontier between Burma and Siam, owing to the absence of any Act governing the collection of land customs on that frontier. It is proposed by this small Bill to remedy these defects. The Bill has been kept quite

[Sir Basil Blackett.]

simple for this reason, that the Government of India have in hand the question of the general revision of the law relating to sea, land and air customs. It was hoped at one time that it might be possible to introduce such a Bill this session but it is a somewhat complicated matter and the Bill is not yet ready for introduction and even after introduction may take some little time to examine. Meanwhile it is very desirable that we should have the power to collect these land customs where necessary. This Bill, therefore, is to some extent an interim measure which will enable us to act in the matter of land customs in advance of the time, whenever that may be, when we pass a revised and consolidated Customs Act dealing with customs generally. I beg to move.

The motion was adopted.

The Honourable Sir Basil Blackett : Sir, I introduce the Bill.

THE COTTON GINNING AND PRESSING FACTORIES BILL.

The Honourable Sir Charles Innes (Commerce Member) : Sir, I move for leave to introduce a Bill to provide for the better regulation of cotton ginning and cotton pressing factories.

I do not think I need detain the House very long over this Bill today, specially as at a later stage I hope to get the House to refer it to a Select Committee. The Bill is intended to deal with certain malpractices which are known to be carried on in cotton ginneries and presses. For its origin I must take the House back to the report submitted by the Indian Cotton Committee in 1919. That report covered every aspect of the cotton problem,. and when the Committee were considering the question what measures could be taken to secure for the cultivator an adequate price for his cotton they at once found themselves up against such questions as adulteration, the mixing of different varieties, and these malpractices in ginneries and presses. We have already dealt with one only of these problems, namely, that of the mixing of different varieties of cotton, by the Cotton Transport Act which we passed last year. That Act has been applied to certain areas of the Bombay Presidency, and I am informed that so far it has had a very useful effect. Now we are taking up those recommendations of the Cotton Committee which relate to these malpractices. I do not think that the House can accuse us of undue precipitancy in this matter, for I think we have consulted Local Governments already twice in this matter and we have been in continuous and close consultation with the Central Cotton Committee. At this stage I think all that I am concerned to do is to prove to the House that these malpractices do exist and do require the attention of the House. I do not think that I can do better than refer the House to paragraph 219 of the Indian Cotton Committee's report. They say :

> "The evidence in regard to these malpractices which we received was overwhelming and the numerous inspections of ginneries and presses which we made showed us that the complaints were justified."

Then they proceed to differentiate between deliberate malpractices, such as the watering of cotton, the mixing of cotton with waste, the mixing of cotton damaged by rain with good cotton, and so on, and abuses arising from faulty conditions—that is to say, the lay out of the ginneries.

They continue :

"We are much impressed by the magnitude of these evils and the necessity of providing some remedy for them. The protection of the interests of the third party, the cultivator, must always be a paramount consideration with Government in the case of a country which is so predominantly agricultural as India. That the existence of the malpractices in ginneries and presses, for which he is not at all or only to a very small extent responsible, must have a very serious effect on the price he obtains for his produce is a point which need not be laboured."

The Cotton Committee proposed a system of licensing of ginneries and presses, their main object being to enable unsatisfactory cotton to be traced back to the original gin or the original press. We have not gone as far as the Central Cotton Committee proposed. We are frightened of this system of licensing which will make much official inspection necessary and might lead to abuses. The main object of the Bill is to put the trade in a position to protect itself. With that object we provide for the marking of all bales, for a system of registration in ginneries and in presses, and in clause 12 of the Bill we give power to reject unmarked bales in fulfilment of contracts. We include other useful provisions in the Bill in regard to the submission of returns, the use of correct scales and weights, and the structural improvement of ginning and pressing factories. But all these points will be discussed, I hope, not only in the House but in Select Committee. I hope I have proved to the House that there are very serious malpractices in these ginneries and presses which do require the attention of this House and this being so, I beg for leave to introduce this Bill.

The motion was adopted.

The Honourable Sir Charles Innes : I introduce the Bill.

THE INDIAN POST OFFICE (AMENDMENT) BILL.

The Honourable Mr. A. C. Chatterjee (Industries Member) : Sir, I move for leave to introduce a Bill further to amend the Indian Post Office Act, 1898, for certain purposes.

This is a very minor measure. Honourable Members who have correspondence with foreign countries must have noticed that in many cases they receive letters without any postage stamps but with merely the impression of a stamp fixed on the letter or on the envelope by a machine. This practice has been sanctioned by the International Convention of the Postal Congress at Madrid in 1920. The system is quite simple. Certain machines have been patented and the users and purchasers of the machine obtain a licence from the Post Office Department. A postal official locks one of the meters in the machine for a certain amount. The machine then works only up to that fixed amount. When that amount is exhausted, the machine cannot be worked any further. We want to introduce this system in India for the convenience of the general public and this Bill is meant to safeguard the Post Office and the State from any fraudulent acts that might be committed in using these machines. We have satisfied ourselves that ordinarily all such frauds would be easily discovered and the system will be carefully watched.

The motion was adopted.

The Honourable Mr. A. C. Chatterjee : Sir, I introduce the Bill.

The Assembly then adjourned till Eleven of the Clock on Monday, the 8th September, 1924.

LEGISLATIVE ASSEMBLY.

Monday, 8th September, 1924.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

RESERVE CLERKSHIPS AND BRANCH POSTMASTERSHIPS IN BIHAR AND ORISSA.

1641. ***Kumar Ganganand Sinha :** (*a*) Will the Government be pleased to lay on the table a list of the accepted candidates for reserve clerkships and Branch Postmasterships in Bihar and Orissa during the years 1922 to 1924 ?

(*b*) Will the Government be pleased to state :

(*i*) how many vacancies have occurred in Branch Postmasterships and reserve clerkships during 1922, 1923, and 1924 ?

(*ii*) how many of them have been filled up ?

(*iii*) what principle has been adopted in filling up those vacancies ?

(*iv*) how many persons, if any, other than the registered candidates have got provisions in those vacancies and under what circumstances ?

The Honourable Mr. A. C. Chatterjee : The collection of the information asked for by the Honourable Member will entail very great labour in a large number of offices. I shall be glad to inquire into any particular case which the Honourable Member may bring to my notice where there has been substantial injustice which has not been redressed on appeal.

APPOINTMENT OF BINDESWARI PRASAD MISRA, A PROBATIONER IN THE POST AND TELEGRAPH DEPARTMENT, TO A PERMANENT VACANCY.

1642. ***Kumar Ganganand Sinha :** (1) Are the Government aware of the facts that :

(*a*) Bindeswari Prasad Misra of Gogri was appointed as a probationer in the Post and Telegraph Department under the orders of the Superintendent of Post Office, Monghyr Division, Bihar and Orissa, on the 17th January 1923 ?

(*b*) his name was registered and he was allowed to learn Post Office work after furnishing a security of Rs. 300 in the prescribed form and promised that he would be given a permanent appointment as soon as a vacancy occurred ?

(*c*) he worked as a probationer and was attached to the Gogri Post Office for about four months ?

(*d*) he has not been provided with any permanent appointment as yet ?

(*e*) he will be overage for Government service in July 1925 ?

(2) If so, will the Government be pleased to state the reason for his not being appointed as yet and whether or not he is going to be appointed in future ? If he is not going to be appointed, will the Government be pleased to state the reasons for the same ?

Mr. H. A. Sams : (1) (*a*) Yes.

(*b*) Yes, but there was no specific promise of a permanent appointment.

(*c*) Yes, but the period was only 2½ months.

(*d*) Yes.

(*e*) Yes.

(2) A number of men who were enlisted as unpaid probationers before B. P. Misra and have had a longer training are still waiting for reserve clerkships and, as there was no chance of his receiving such an appointment before reaching the age of 25, his name has been removed from the list of candidates by the Postmaster-General, Bihar and Orissa. If Mr. B. P. Misra has any grievance, he has the right of appeal to the Director General which he has not yet exercised.

EXERCISE OF MAGISTERIAL POWERS BY EXECUTIVE OFFICERS IN CANTONMENTS.

1643. ***Dr. H. S. Gour :** (*a*) Are the Government aware that by a notification, dated the 11th March, 1921, published in the C. P. Gazette of 1921, Part I, page 296, Major J. Ardoino was appointed Cantonment Magistrate, Kamptee ?

(*b*) Is it a fact he has been given summary powers under section 260 of the Code of Criminal Procedure ?

(*c*) Is it a fact that since the enactment of the Cantonment Act (Act II of 1924), which came into force on the 1st May, 1924, it has been the policy of the Government to appoint no Executive Officer to discharge any judicial function of a civil or a criminal character within the Cantonment area (*Vide* Army Department letter No. 25314-1-A.D., dated the 3rd March, 1924) ?

(*d*) If so, how is it that Major J. Ardoino still continues to exercise magisterial powers in Kamptee though he has been appointed Executive Officer under the new Cantonment Act ?

(*e*) Will the Government please explain whether the combination of executive and judicial functions in the same Cantonment Officer is consistent with the policy of the Government of India laid down in its letter No. 25314-1-A.D., dated Delhi, the 3rd March, 1924, paragraphs 1, 2 and 3 ?

(*f*) Do the Government propose to take steps to see that no Executive Officer of a Cantonment is given magisterial powers, or is suffered to wield them in pursuance of a notification issued before the enactment of the new Cantonment Act ?

Mr. E. Burdon : (*a*) Yes.

(*b*) Yes, in 1921.

(*c*) Yes.

(*d*) Major Ardoino was required by the Local Government as a matter of practical convenience to complete the trial of two cases which he had commenced to hear in his capacity of Cantonment Magistrate. The cases in question were compounded on the 17th July 1924.

(*e*) No.

(*f*) The case of Major Ardoini which forms the subject of the Honourable Member's question was of an entirely special character which could arise only in the period of transition to the new form of Cantonment administration. The general orders which the Government of India issued will effectively prevent the exercise of judicial powers by Executive Cantonment officers in any other case.

EMPLOYMENT OF CIVILIANS AS EXECUTIVE OFFICERS IN CANTONMENTS.

1644. ***Dr. H. S. Gour**: (*a*) Are the Government aware that Mr. Burdon in a speech dated the 24th July, 1923, promised to very favourably consider the proposal of the Select Committee that the Executive Officer of a Cantonment should be an officer in the civil employ ?

(*b*) What effect have the Government given to this recommendation and how far have the Government been able to redeem the promise made by them ?

(*c*) Have the Government referred to the Secretary of State the terms of services which they promised to introduce ?

(*d*) Will the Government be pleased to state the number of military officers still employed as Executive Officers of Cantonments and those still wielding magisterial jurisdiction ?

Mr. E. Burdon: (*a*) Yes.

(*b*) The undertaking has been carried out. The Executive Officers of the temporary Cantonments Department constituted are in civil employ.

(*c*) The terms of service granted provisionally to members of the Cantonments Department were referred to and sanctioned by the Right Honourable the Secretary of State for India.

(*d*) The answer to the first part of the question is 36. The answer to the second part is *nil*.

SEPARATION OF EXECUTIVE AND JUDICIAL FUNCTIONS IN CANTONMENTS.

1645. ***Dr. H. S. Gour**: (*a*) Is it a fact that His Excellency the Commander-in-Chief, in his statement dated the 14th February 1924, stated that the combination of executive and judicial powers of the Cantonment Magistrate would cease, and that the judicial work which he performed would be transferred to the Civil Judicial staff of the Provincial Governments and that the executive powers will, in future, be vested in the Executive Officer who will also be the Secretary of the Cantonment Board ?

(*b*) How far have the Government been able to make good this promise and in respect of what cantonments does the Executive Officer wield both judicial as well as executive powers ?

(*c*) What steps do the Government propose to take for the speedy termination of the combination of such powers condemned by Government ?

Mr. E. Burdon: (*a*) Yes.

(*b*) As regards the first part of the question, the necessary orders have been issued. To the latter part, the answer is *nil*.

(*c*) In view of the reply to part (*b*), this question does not arise.

RACIAL DISTINCTIONS ON RAILWAYS.

1646. ***Mr. C. S. Ranga Iyer**: (*a*) Are the Government aware that Indian passengers holding tickets are not allowed entry into railway

platforms before the arrival of the trains while third class Anglo-Indian and European passengers are admitted to the platforms ?

(*b*) Are the Government aware that in some big stations where sleeping accommodation is provided Indian passengers find difficulty in admission and are sometimes not admitted while third class Anglo-Indians are admitted ?

(*c*) Are the Government aware that in overcrowded trains with hardly sitting accommodation for Indian passengers, compartments reserved " For Europeans and Anglo-Indians Only " are seen either empty or with one or two passengers therein ?

(*d*) Do the Government propose to take immediate steps to remedy the above racial distinctions in the Railways ?

Mr. A. A. L. Parsons : (*a*) and (*b*). The reply is in the negative.

(*c*) and (*d*). I am aware that it occasionally happens that compartments reserved for Europeans and Anglo-Indians are not fully occupied when other compartments on the same train, not so reserved, are full or practically full, and I wish to take this opportunity of explaining exactly what the policy of Government is in this matter. We do not think the reservation of intermediate class compartments for Europeans and Anglo-Indians is any longer required by traffic considerations, and we have, therefore, issued instructions for its cessation on State-managed railways. These instructions will apply to the East Indian Railway when it comes under State management at the end of this year. The reservation of intermediate class compartments has already been discontinued on all other Companies' railways.

It has also been our policy to reduce the reservation of third class compartments, and from the statement which I lay on the table the Honourable Member will see that the practice has already been reduced to very small dimensions.

Statement showing the third class accommodation reserved for Europeans and Anglo-Indians.

Railway.	Accommodation.
North-Western Railway ..	One small third class compartment on mail and fast passenger trains.
Oudh and Rohilkhand Railway	One third class compartment on the Punjab and Dehra Dun mails.
East Indian	One small third class compartment on mail and express trains.
Great Indian Peninsula ..	Third class accommodation on mail and express trains.
Bombay, Baroda and Central India.	One third class compartment on mail and fast passenger trains.
Bengal-Nagpur	One third class compartment on mail and fast passenger trains.
Madras and Southern Mahratta, Broad Gauge.	Two third class compartments on the Calcutta mails, and one third class compartment on the Bombay and Bangalore mails, and four other trains. In addition one third class compartment on twelve local trains which include four motor coaches.
Madras and Southern Mahratta, Metre Gauge.	One third class compartment on the Poona Bangalore mail and passenger trains.
South Indian	One small third class compartment on the Mettupalayam, Mangalore, and Ceylon Boat Mails, and the Trivandrum Expresses.
Burma Railways	One third class compartment on four mails, two expresses and two fast trains.

INDIAN AND EUROPEAN RAILWAY REFRESHMENT ROOMS.

1647. *Mr. C. S. Ranga Iyer: (1) Is it not a fact:

(*a*) that the space allotted to the Indian refreshment rooms in several railway stations is much smaller than the space allotted to the European refreshment rooms, where both exist?

(*b*) that the passengers resorting to the Indian refreshment rooms are numerically much larger than those who go to the European refreshment rooms?

(*c*) that the conveniences such as lighting and water supply provided by the Railway Companies to the European refreshment rooms are much greater than those provided to the Indian?

(*d*) that in some important stations where the need for Indian refreshment rooms exists only European refreshment rooms are provided?

(2) Do Government propose to inquire into the above state of affairs and take necessary steps to improve the same?

Mr. A. A. L. Parsons: (1) and (2). Government have no information on the points raised by the Honourable Member. They have frequently impressed on Railway Administrations the need for improving the arrangements for refreshments for Indian passengers and specifically brought to their notice in April last the question of providing Indian refreshment rooms where they are required.

Sardar V. N. Mutalik: Have Government received any reply to their representations to the Railway Companies?

Mr. A. A. L. Parsons: Not that I know of. We merely drew their attention to this matter.

Khan Bahadur W. M. Hussanally: Will Government be pleased to inquire if they have carried out their instructions?

Mr. A. A. L. Parsons: If the Honourable Member can give me any specific instance we will certainly inquire into it.

Khan Bahadur W. M. Hussanally: But it is generally known that these instructions are not carried out.

PROPOSED VASAD-BORSAD-KATANA RAILWAY.

1648. *Mr. Jamnadas M. Mehta: (*a*) Will Government be pleased to state how far the project of the Vasad-Borsad-Katana Railway line has progressed?

(*b*) Do Government propose to expedite the matter by providing the requisite funds in the Railway Budget for the year 1925-26?

Mr. A. A. L. Parsons: (*a*) The revised project estimate of the Vasad-Borsad-Katana Railway is being re-examined by the Agent, Bombay, Baroda and Central India Railway, and a fresh traffic survey has been ordered.

(*b*) Until the revised project estimate and the traffic report have been examined it is not proposed to allot funds.

Sir Purshotamdas Thakurdas: When do Government expect this matter to be decided by the Railway Board after the examination that they are carrying on at present?

Mr. A. A. L. Parsons : I cannot give the exact date. It will not be very long with the Railway Board. They will consider the matter as soon as they have heard from the Agent.

Mr. Jamnadas M. Mehta : Are Government aware that this scheme has been under consideration for the last 25 years ?

Mr. A. A. L. Parsons : It is because it has been under examination for 25 years that we have had to revise the estimates.

Sardar V. N. Mutalik : When will the revised estimates be ready ?

Mr. A. A. L. Parsons : I am afraid I cannot say.

Sir Purshotamdas Thakurdas : Are Government aware that certain members of the Central Advisory Railway Committee brought this matter prominently to the notice of the Railway Board last January ?

Mr. A. A. L. Parsons : That is why we have asked for a revised estimate.

Mr. Jamnadas M. Mehta : Then they are tarrying too much over it.

OUTRAGE ON AN INDIAN WOMAN WORKER IN THE FEDERATED MALAY STATES.

1649. ***Mr. Jamnadas M. Mehta** : (*a*) Has the attention of Government been drawn to a statement from one Mr. C. R. Naidu appearing in the *Voice of India*, dated 16th June, 1924, under the title " A White Man's Lust " ?

(*b*) Is it true as alleged in the statement that in the Federated Malaya States an Indian woman worker was outraged by her European master under circumstances of barbarity and violence ?

(*c*) Have Government received any information regarding the result of the prosecution said to have been started against the offending Manager ? If so, what ?

(*d*) What steps, if any, do Government propose to take to prevent the recurrence of such inhuman outrage on Indian workers there ?

Mr. J. W. Bhore : (*a*) and (*b*). Yes.

(*c*) The Manager and Assistant Manager of the Estate concerned were tried for the principal offence and abetment thereof respectively. The former was sentenced to 12 months' rigorous imprisonment and the latter acquitted.

(*d*) As the Honourable Member is aware offences of this kind are punishable under the criminal law of the country concerned which must be allowed to take its course. The Government of India, however, have asked their Agent who has exercised commendable vigilance in such cases whether he considers any special steps to be desirable and on receipt of his report will decide what action, if any, they shall take.

DISMISSAL OF MR. MOHANLAL TRIBHUVANDAS, CHIEF CLERK OF THE DISTRICT TRAFFIC SUPERINTENDENT, BULSAR, B. B. AND C. I. RAILWAY.

1650. ***Mr. Jamnadas M. Mehta** : (*a*) Are Government aware of the existence of a body called the Bombay, Baroda and Central India Railway Employees' Association ?

(*b*) Are Government aware that the said Association has been working for the last four years and has 400 members on its roll ?

(*c*) Are Government aware that among its members are European and Anglo-Indian employees of the Bombay, Baroda and Central India Railway ?

(*d*) Are Government aware that on the 30th June, 1923, Mr. Manilal Kothari, the Honorary Secretary of the Association, convened a meeting of " All Railway Employees " at Bulsar ?

(*e*) Are Government aware that at the said meeting speeches were made about the grievances of the railway employees only ?

(*f*) Are Government aware that for attending the said meeting one Mr. Mohanlal Tribhuvandas, the chief clerk of the District Traffic Superintendent at Bulsar, was dismissed ?

(*g*) Do Government propose to inquire into the matter and see that justice is done to Mr. Mohanlal ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*), (*c*) and (*e*). Government have no information.

(*d*) Yes.

(*f*) He was dismissed for disobedience of orders.

(*g*) No. The matter is *sub judice* as Mr. Mohanlal has filed a civil suit against the Railway for dismissal.

APPOINTMENT OF PASSENGER SUPERINTENDENTS ON THE VARIOUS RAILWAYS.

1651. ***Mr. Jamnadas M. Mehta :** (*a*) Have Government employed any superintendents on the various railway lines ?

(*b*) If the answer to (*a*) be in the affirmative, will Government state the number of these superintendents with their salaries, allowances and other remuneration ?

(*c*) Will Government state the duties assigned to the said superintendents and also whether and how far they have proved useful to passengers ?

(*d*) Have Government received any reports from these superintendents as to how Railway administration can be improved and economised ?

(*e*) If the answer to (*d*) be in the affirmative, will Government be pleased to state the substance of those reports and the action they propose to take thereon ?

Mr. A. A. L. Parsons : (*a*) Yes. In response to a Resolution passed by the Assembly in the Delhi session of 1921, passenger superintendents were appointed on the principal railway lines in India.

(*b*) There are at present 58 passenger superintendents employed on salaries ranging from Rs. 50 to Rs. 250 per mensem.

(*c*) Their duties are to assist third class passengers generally in such matters as taking of tickets, finding platforms and trains, securing accommodation, and the like. On some Railways the passenger superintendents have not been found useful, and they have been abolished ; on other Railways they are considered to be performing a useful function.

(*d*) It is not the business of these superintendents to make suggestions as to how the Railway Administration can be improved and made more economical!

(*e*) Therefore does not arise.

OUTRAGE ON AN INDIAN WOMAN WORKER IN THE FEDERATED MALAY STATES.

1652. *Sir Purshotamdas Thakurdas : (*a*) Have Government seen a report in the *Voice of India*, dated the 16th June 1924, regarding the alleged conduct of a European Manager of the Sangli Regla Perak Estate in the Federated Malay States, who is said to have forcibly removed a Telugu cooly woman working on the said estate with the intention of outraging her modesty ?

(*b*) Have the Government of India's Agent at Penang submitted any report to them regarding this incident and if so will Government be pleased to place a copy of the said report on the table ?

(*c*) Has the said European Manager been tried in a court of law and if so what is the result of such trial ?

(*d*) Have the Government of India been able to devise any steps by which persons guilty of such attacks on cooly women can no longer work in the area served by indentured labour from India ?

Mr. J. W. Bhore : (*a*) and (*c*). The Honourable Member is referred to my reply to question No. 1649 by Mr. Jamnadas M. Mehta.

(*b*) Copies of the reports received from the Agent of the Government of India in Malaya are laid on the table.

(*d*) The Honourable Member is referred to the answer given to part (*d*) of question No. 1649 asked by Mr. Jamnadas M. Mehta.

Extract paragraph 3, from a letter No. G.C.E.-104|24, dated the 5th June 1924, from the Agent of the Government of India in British Malaya.

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3. In the second case, I received information on the evening of 23rd that an Indian girl had been raped in Sungei Reyla estate. I proceeded by the earliest available train to Ipoh and from there went to Sungei Siput station about seven miles from Sungei Reyla estate. At Sungei Siput, I noticed a gang of about forty Telugus loitering in the bazar. When I questioned them they said they had come away from Sungei Reyla estate as one of them had been raped and they pointed out the girl. I took that girl, her husband and another labourer in my motor car and drove to the estate. After some local inspection, I commenced to inquire into the matter. The Deputy Controller of Labour, Penang (Mr. Abearne), and Extra Assistant Controller under training (Mr. A. S. Reddi—Indian) who had heard about this affair from the local police joined me and the Deputy Controller agreed that I should complete the inquiry I had already commenced and that he should help me where necessary. Briefly, the facts of the case are these. On the morning of 19th, at about 2, the Manager of the estate Mr. Johnson and the Assistant Manager Mr. Jessamine drove from the club to the lines where the labourers are living. The Manager went up to the hut of Errasami and pushed open the door and called out Geddama—Errasami's wife. Both husband and wife came out of the hut. The Manager pushed out the husband and dragged the girl to the car, lifted her into it and drove the car to the bungalow of the Assistant Manager. The Manager took the girl who was screaming the whole time into a spare bedroom and cohabited with her four times. The girl then returned home crying at about 5 A.M. Errasami had in the meantime roused his neighbours and all of them were waiting outside the lines when Geddama turned up and related her misfortunes. All the labourers, about forty in number, left the estate in a body and went to the nearest railway station Sungei Siput and also laid information at the Police Station there with the result that the two men, Manager and his Assistant, were arrested. They were both released on bail. The Manager attempted to commit suicide by swallowing some prussic acid. Happily however, the acid was dilute and the fact was discovered. Necessary medical aid was rendered and the Manager was re-arrested. During the Police investigation, however, a serious blunder had been committed owing to faulty interpretation. The complainant is a Telugu. The Police Officer, who took her statement is a Malay and the man who interpreted the Telugu

of Geddamma into Malay is a Tamil Muhammadan. Complainant is alleged to have stated to the Police that both the Manager and the Assistant Manager had intercourse with her. I spoke to the Deputy Public Prosecutor, who was in charge of the case with the result that he suggested to the Magistrate that his case against the Assistant Manager was only one of abetment in that he lent the use of his room to the Manager. The case against the Manager was fully inquired into and both the Deputy Controller of Labour, Penang, and myself watched the case and occasionally helped the Deputy Public Prosecutor. It was argued on behalf of the Assistant Manager that the Manager was to have taken the girl to the house of the Manager but that the latter changed his mind at the last moment and got into one of the rooms without the consent of the Assistant Manager. In the end, the Assistant Manager was discharged and the Manager has been committed to the Assizes (Sessions). I shall report further details after the case has been disposed of in the Assizes.

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Extract from a letter No. 114|G.C.R.|24, dated the 5th July 1924, from the Agent of the Government of India in British Malaya.

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6. The Sungei Reyla rape case referred to in paragraph 3 of my last report was tried at the Ipoh Assizes on 23rd June. The first accused Johnson was convicted and sentenced to undergo rigorous imprisonment for one year and the second accused Jessamine, who was first discharged in the lower court and brought up for trial at the instance of the Deputy Public Prosecutor, was acquitted.

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Sir Purshotamdas Thakurdas : Will Government be pleased to state if persons who are sentenced for any crime like this are allowed to work in the same area after their release from jail ?

Mr. J. W. Bhore : That is a question of fact upon which I have no information.

Sir Purshotamdas Thakurdas : Will Government be pleased to make inquiries on the subject ?

Mr. J. W. Bhore : I have already said that we have called for information from our Agent on that point and further action will be dictated by the result of his report.

Mr. A. Rangaswami Iyengar : Will Government be pleased to lay the report as soon as it is received from this Agent in Malaya on the table ?

Mr. J. W. Bhore : I have already laid the reports so far received on the table.

Mr. A. Rangaswami Iyengar : No. The report that you may call for.

Mr. J. W. Bhore : I will do so.

THE INDO-EUROPEAN TELEGRAPH DEPARTMENT.

1653. ***Sir Purshotamdas Thakurdas :** (*a*) With reference to the Administration Report of the Indo-European Telegraph Department for 1922-23, Appendix " E ", will Government be pleased to place on the table a similar statement for the five pre-war years ?

(*b*) Will Government be pleased to state the total number of State telegrams between India and the United Kingdom in each of the five years mentioned in Appendix " E " of the Report referred to above ?

(*c*) In view of the fact that the Government of India are directly interested in the Indo-European Telegraph Department will Government be pleased to state if they have issued instructions to all Departments of

the Central Government and to all Provincial Governments that for telegraphic communication with the United Kingdom on State service the Indo-European Telegraph line should be used as far as possible ?

(*d*) With reference to paragraph 4 of the Report referred to above where it is stated that the interest on capital shown against the years 1919-20 to 1922-23 is the interest earned in excess of the interest charges due to Government on the capital outlay, will Government be pleased to state the rate of interest thus calculated on the capital outlay for the year 1922-23 ?

(*e*) Will Government be pleased to state to what account credit is taken for—

(*i*) the amount of interest on the capital locked up in the Indo-European Telegraph Department ; and

(*ii*) the net revenue for 1922-23 which latter net revenue amounts to 6.38 per cent. of the capital ?

(*f*) With reference to the foot-note on page 4 of the Report will Government be pleased to give details of the cost of the London Office establishment which amounted to £2,914 in the year 1922-23 ?

(*g*) In view of the result of the working of the Indo-European Telegraph Department for the year 1922-23, will Government be pleased to state if they still contemplate selling or leasing this Department as recommended by five members of the Inchcape Committee in their Report ?

The Honourable Mr. A. C. Chatterjee : (*a*) A consolidated statement furnishing the figures required by the Honourable Member is laid on the table.

(*b*) The total number of State telegrams between India and the United Kingdom is not separately recorded, but the total numbers of *all* foreign State telegrams, of which the great bulk are telegrams to and from the United Kingdom, during the years in question were—

Year.	Number.
1918-19	139,018
1919-20	109,743
1920-21	73,796
1921-22	49,731
1922-23	33,585

(*c*) The answer is in the negative. The matter has been considered and decided in relation to the division of traffic between the different lines of telegraph communication between India and the United Kingdom.

(*d*) The average rate of interest charged in the year 1922-23 was 3.3252 per cent. on the Capital Expenditure to the end of 1916-17, and 5.48 per cent. on subsequent expenditure.

(*e*) (*i*) In the Indo-European Telegraph Department the interest charge is taken into account on a *pro forma* basis simply for the purpose of the Profit and Loss Account, as the whole Capital outlay has been met from revenue. Hence it is included only in the Administration Report and no account adjustment is made.

(*ii*) The net revenue of the Indo-European Telegraph Department is credited under the head " XV—Posts and Telegraphs ".

Statement showing the number of messages and words forwarded during the years 1905-06 to 1913-14 inclusive.

	State.		Commercial and Private.				Press.		Total.				Grand Total.		Add or deduct messages in transit.	Total.
	Gulf.		*Gulf.*		*Persia.*		*Gulf.*		*Gulf.*		*Persia.*					
	Messages.	Words.	Messages.	Words.	Messages.	Words.	Messages.	Words.	Messages.	Words.	Messages.	Words.	Messages.	Words.	Words.	Words.
1905-06 . .	3,682	152,409	204,690	2,299,808½	1,968	21,419	663	47,494	209,035	2,499,711½	1,968	21,419	211,003	2,521,130½	303	2,521,433¾
1906-07 . .	3,843	146,238	252,359	2,640,290¼	2,234	19,774	919	51,736	257,121	2,838,264¼	2,234	19,774	259,355	2,858,038¼	2,291¾	2,860,330
1907-08 . .	3,258	138,890	264,254	2,670,050	3,035	30,829	602	39,224	268,114	2,848,164	3,035	30,829	271,149	2,878,993	3,176½	2,882,169½
1908-09 . .	3,231	140,344	225,864	2,195,011½	2,016	35,310	597	65,409	229,692	2,400,764½	2,916	35,310¾	229,908	2,436,074½	2,636	2,438,757¾
1909-10 . .	3,368	137,736	266,166	2,516,767½	4,213	48,755¾	345	17,216	269,879	2,671,719½	4,213	48,755¾	274,092	2,720,475¼	2,636½	2,723,111¾
1910-11 . .	3,345	127,806	329,223	3,046,632¼	4,268	45,359	324	14,448	332,892	3,188,886¼	4,269	45,359	337,161	3,234,245¼	656¼	3,234,901½
1911-12 . .	4,409	180,102	341,135	3,178,150	5,255	53,597	189	9,054	345,733	3,367,306	5,255	53,597	350,988	3,420,903	2,814	3,418,089
1912-13 . .	3,644	165,025	387,199	3,633,004	6,081	63,410	255	13,297	391,098	3,811,326	6,081	63,410	397,179	3,874,736	4,193	3,878,929
1913-14 . .	3,578	145,249	373,690	3,602,008½	5,649	59,222	162	5,340	377,430	3,753,097½	5,649	59,222	383,079	3,812,319½	..	3,812,319

Note.—Under the columns headed "Gulf" are shown messages and words accounted for in Gulf Traffic Accounts.
Under the columns headed "Persia" are shown (1) messages and words originating or terminating in Persia to or from Indo-European Company's line which consequently do not appear in the Gulf Traffic Accounts, and (2) messages terminating in Persia received from Persian Crown lines.

(*f*) Details of the cost of the London Office establishment of the Indo-European Telegraph Department are as follows—

	£
Salary of Director-in-Chief	947
Salary of Assistant to Director-in-Chief ..	604
Salary of First Clerk	731
Salary of Second Clerk	341
Salary of Third Clerk	163
Salary of Fourth Clerk	128
Total ..	2,914

(*g*) The Honourable Member is referred to the reply given by me to a similar question No. 46, heads (*a*) to (*c*), put by him at the Legislative Assembly meeting of the 1st February, 1924. No decision on the matter has yet been arrived at.

Sir Purshotamdas Thakurdas : May I know when Government are likely to arrive at a decision in this matter ?

The Honourable Mr. A. C. Chatterjee : I cannot give any definite promise.

Sir Purshotamdas Thakurdas : Have not Government had enough experience of the commercial utility of this Department to enable them to come to a decision ?

The Honourable Mr. A. C. Chatterjee : I think the Honourable Member is aware of the very complicated nature of the question on which a decision has to be arrived at.

Sir Purshotamdas Thakurdas : So far as I can see, the question strikes me as a very simple one in view of the results that we have seen.

AMOUNTS PAID TO INDIAN AND EUROPEAN DEPOSITORS OF THE ALLIANCE BANK.

†1654. ***Mr. Gaya Prasad Singh** : (*a*) With reference to starred question No. 175 of the 5th February 1924, will the Government be pleased to state if they have found out what amounts were paid to Indian and European depositors of the Alliance Bank, both in India and in Europe ?

(*b*) If the answer be in the negative, will the Government state their reasons ?

ALLEGATIONS CONTAINED IN THE REPORT OF THE ALLIANCE BANK OF SIMLA COMMITTEE OF INVESTIGATION.

†1655. ***Mr. Gaya Prasad Singh** : (*a*) Has the attention of the Government been drawn to the report of the Committee of Investigation, appointed at a meeting of the creditors of the Alliance Bank, held on the 1st June 1923 (*vide* the " Amrita Bazar Patrika," dated the 12th June 1924) ?

(*b*) Is it a fact that although written to, " the past Directors of the Bank, with one excuse or another, failed to come forward to help the investigation " ?

†For Answer to this question—*see* below question No. 1870 on p. 3011 *infra*.

(*c*) Is it a fact that, as stated by Mr. C. T. Allen of Cawnpore, he "strongly protested against the actions of those who were misusing the Bank and its funds;" and that he "finally quitted the Board as a protest against the management of the Bank's affairs"?

(*d*) Is it a fact that Mr. Ashworth, one of the Liquidators of the Alliance Bank, was asked for certain Bank books; but his "reply was evidently a dodge to avoid the request"?

(*e*) Are the Government prepared to make inquiries into the above, and report the result to the House?

ADVANTAGE SECURED FROM THE ALLIANCE BANK OF SIMLA BY MESSRS. BOULTON BROTHERS.

†1656. ***Mr. Gaya Prasad Singh**: Is it a fact that within the short period of less than two years, Messrs. Boulton Brothers managed to secure from the Alliance Bank the following advantages:

(1) Shares of the Bank to the extent of 10 lacs.

(2) £10,000 of St. Petersburg Loan sold to the Bank.

(3) Rs. 13 lacs in 3½ per cent paper were taken by them upon the understanding that the money would be returned within 12 months in exchange for foreign and continental securities.

(4) A loan of £80,000 was received by them against non-marketable securities.

(5) The securities given for the above loan of £80,000 were returned to Boulton Brothers before the repayment of the same?

FAILURE OF THE ALLIANCE BANK OF SIMLA.

†1657. ***Mr. Gaya Prasad Singh**: Did the Government make inquiries into the circumstances that led to the failure of the Alliance Bank, before sanctioning the payment from the Imperial Bank; and in view of new facts brought to light, do the Government propose to take any action?

REPORT OF THE ALLIANCE BANK OF SIMLA INVESTIGATION COMMITTEE.

†1745. ***Khan Bahadur Sarfaraz Hussain Khan**: Will the Government be pleased to state:

(*a*) If they have received the report of the Investigation Committee on the Alliance Bank of Simla Limited?

(*b*) If so, will they please lay a copy of it on the table?

REPORT OF THE ALLIANCE BANK OF SIMLA INQUIRY COMMITTEE.

†1760. ***Haji S. A. K. Jeelani**: (*a*) Has the attention of the Government been drawn to the report of the Alliance Bank Inquiry Committee appointed to investigate into the causes of its failure?

(*b*) Will the Government be pleased to state whether there are any facts in the report which were not within the cognisance of the Government before they authorised the Imperial Bank to advance 50 per cent. on the security of the Alliance Bank assets to its creditors?

(*c*) In the light of the facts disclosed by the Inquiry Committee, will the Government be pleased to state whether from the available

†For Answer to this question—*see* below question No. 1870 on p. 3011 *infra*.

assets of the Alliance Bank it is possible to recover the amount advanced ?

REPAYMENT OF ADVANCES MADE BY THE IMPERIAL BANK TO THE ALLIANCE BANK OF SIMLA.

1870. *Mr. **Bhubanananda Das** : Will Government be pleased to state how much still remains to be paid by the Alliance Bank liquidators to complete the repayment of advances made by the Imperial Bank of India under Government guarantees ?

The Honourable Sir Basil Blackett : I shall take up questions Nos. 1654-1657, 1745, 1760 and 1870 together for the sake of convenience as these relate to the same subject.

Copies of the Reports of the Liquidators and of the Committee of Investigation have been placed in the Library. These will supply most of the information asked for. Government have no information beyond that contained in these Reports and in the press.

From a statement issued by the Liquidators on the 9th August which has already appeared in the press, I gather that they are able to pay a 50 per cent. dividend which will set the Government free from any financial liability in respect of their guarantee to the Imperial Bank of India.

For the rest, the matter is *sub judice* and Honourable Members have no doubt been watching the proceedings in the Court.

DISMISSAL OF HAVILDAR SANTA SINGH OF THE 8TH ARTILLERY FOR READING AN AKALI NEWSPAPER.

1658. *Sardar **Kartar Singh** : (1) Has the attention of the Government been drawn to an article headed, " *Akali Te Pardesi Akhbar parhna jurm hai. Ek Havaldar ki mulazmat se mauqufi* " (Reading of Akali Te Pardesi newspaper is an offence. Dismissal of a Havaldar), in the daily Urdu Akali of Amritsar, dated the 28th June 1924 ?

(2) (*a*) Is it a fact, that Santa Singh, Havaldar of the 8th Artillery stationed at Tonk, N.-W. F. P., has been dismissed from service on account of having been found reading the " Akali Te Pardesi " newspaper by the Officer Commanding ?

(*b*) Is it a fact that the Officer Commanding immediately after finding Santa Singh Havaldar reading the said newspaper suspended him by removing his military badges, and put him in the quarter guard ?

(*c*) Is it a fact that Santa Singh was handcuffed and his trial by a court-martial lasted for four days continuously ?

(*d*) Is it a fact that Santa Singh was fined Rs. 50 by the court-martial, was dismissed from service and was ordered to be out of bounds at once ?

(*e*) Is it a fact that Havaldar Santa Singh had distinguished himself on service on the battlefields of France, Chaman, Waziristan, etc., and was a recipient of several medals and certificates, and had several times officiated as a Jamadar and was about to be soon promoted to that rank ?

(*f*) Is it a fact that at the time of dismissal his medals and certificates were confiscated, and he was deprived of all his pay and allowances due to him ? ›

(*g*) Is it a fact that after being dismissed Santa Singh was taken in handcuffs to the railway station, Tonk, and was there ordered to leave the place at once while he was neither supplied with any railway ticket nor pass, nor was he given any money to enable him to reach his village in the Ludhiana District ?

(3) Will the Government be pleased to state under what rules or regulations was the reading of the "Akali Te Pardesi" newspaper by Santa Singh considered an offence ?

(4) Is the reading of newspapers by soldiers in the Indian Army prohibited ; if so, when were the orders to that effect issued, and how long is it intended to keep those orders in force ?

(5) What steps do the Government propose to take in the matter ?

Mr. E. Burdon : (1) Government have seen the article referred to by the Honourable Member.

(2) to (5). Government have made inquiries from which it appears that no incident such as the question describes has taken place. I may state for the information of the Honourable Member that the unit mentioned, the 8th Pack Battery, Royal Garrison Artillery, has never served in Tonk.

AMALGAMATION OF THE DISTRICT LOCOMOTIVE, CARRIAGE AND TRAFFIC OFFICES ON THE EAST INDIAN RAILWAY.

1659. ***Kumar Ganganand Sinha :** (*a*) Is it a fact that the District Locomotive, Carriage, and Traffic Offices under the administration of the East Indian Railway are going to be amalgamated with a view to create Divisional Offices at Howrah, Asansole, Dinapore and Delhi ?

(*b*) If this be so, will the Sahebganj Loop District be absorbed in the Howrah District ?

(*c*) Are the Government aware that for 10 or 12 years there has been no improvement in the Loop District ?

(*d*) Is it a fact that only a year ago, the Railway administration spent some four or five lakhs of rupees to accommodate the District Locomotive and District Engineer Offices and staff at Sahebganj ?

Mr. A. A. L. Parsons : Government have under contemplation a reorganisation of the present system of administration on the East Indian Railway, but the proposals are not sufficiently mature to enable definite information to be given on this subject.

REPRESENTATION AGAINST THE ABSORPTION OF THE SAHEBGANJ LOOP DISTRICT IN THE HOWRAH DISTRICT OF THE EAST INDIAN RAILWAY.

1660. ***Kumar Ganganand Sinha :** (*a*) Will the Government be pleased to state whether or not the Railway Board has received any application from Rai Sahib Khusilal, Zemindar and Vice-Chairman, Sahebganj Municipality, and Babu Rajendra Nath Ray, Pleader and Municipal Commissioner, and others, showing the injurious effect of the absorption of the Sahebganj Loop District in the Howrah District ?

(*b*) If so, will the Government be pleased to lay it on the table and state whether or not any reply has been given to the same ?

(*c*) If any reply has been given, will the Government be pleased to lay it on the table ?

(*d*) If no reply has been given, will the Government be pleased to give reasons for the same ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) and (*c*). A copy of the petition will be furnished to the Honourable Member. Its receipt has been acknowledged.

(*d*) For the reasons stated in reply to the Honourable Member's previous question no reply to the petition is possible at present.

AMALGAMATION OF THE DISTRICT LOCOMOTIVE, CARRIAGE AND TRAFFIC OFFICES ON THE EAST INDIAN RAILWAY.

1661. ***Kumar Ganganand Sinha :** (*a*) Is it a fact that the East Indian Railway is going to be taken over by the State from the 1st January 1925 ?

(*b*) If so, is there any guarantee that the proposed amalgamation of the East Indian Railway District Locomotive, Carriage and Traffic Offices will not be altered by the State management ?

(*c*) Have the Government satisfied themselves or not, whether such an amalgamation will sacrifice efficiency to economy, or not ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) and (*c*). As already stated in reply to previous questions by the Honourable Member, the matter is under consideration and Government are not in a position to make any statement.

PROVISION OF EXTRA WATERWAYS ON THE CHAPRA-MASHRAK BRANCH AND ON THE MAIN LINE, BENGAL AND NORTH-WESTERN RAILWAY.

1662. ***Mr. Gaya Prasad Singh :** (*a*) With reference to my starred question No. 1166 of the 2nd June 1924, regarding the floods in Bihar and the waterways on the Railway embankments, has the attention of the Government been drawn to the following passages occurring in the press communiqué, dated the 4th October 1921, issued by the Government of Bihar and Orissa, and published in the Bihar and Orissa Legislative Council debates, Volume III, no. 7, page 314:

"Mr. Bremner visited the District, and discussed the question of waterways with the Agent and Chief Engineer of the Bengal, North-Western Railway, and with the Collector. It was agreed that the *waterways provided in the Chapra-Mashrak Branch were altogether inadequate, and that more will be provided* either by bridges or by causeways with adequate vents at ground level. It was also agreed that *more and better waterways should be given on the main line west of Siwan !*".

(*b*) Will the Government be pleased to state if more waterways have been provided on the Chapra-Mashrak Railway, and on the main line, since the date of the press communiqué ? And if so, how many ; and of what dimensions ?

(*c*) If the answer to (*b*) be in the negative, will the Government be pleased to state their reasons ?

Mr. A. A. L. Parsons : (*a*) Government have seen the passage referred to.

(*b*) and (*c*). All the works agreed upon have been completed. A list showing the amount of extra waterway provided, is placed on the table.

List showing extra waterways provided on the Chapra,-Mashrak Branch and on the main line Bengal and North-Western Railway.

The extra waterways given on the Chupra-Mashrak Branch are :—

Mile 2/6	(Chain 125·00)	=	Causeway 1,000 ft.
„ 4/6	„ 225·00	=	„ 1,000 „
„ 5/4-5	„ 286·90	=	Bridge No. 8B (1-3' Barrel Drain) which was destroyed during the flood has been replaced by 4 spans 5 ft. arches.
„ 6/6	„ 332·15	=	A new bridge 5 spans of 4 ft. arches.

The extra waterways given on the main line are :—

In Bihar & Orissa, at mile 243/1 (Chain 3735·60)=2 spans of 6 ft. arch between Savan and Bhata Pokhar stations.

Do. at mile 249 (Chain 4050)=8 spans of 6 ft. arches between Bhata Pokhar and Mairwa stations.

In the United Provinces, at mile 260½ (Chain 235·40)=6 spans of 6 ft. arches between Bankata and Bhatpur Rani stations.

FLOODS AND RAILWAY EMBANKMENTS IN THE SARAN DISTRICT, BIHAR AND ORISSA.

1663. ***Mr. Gaya Prasad Singh :** (*a*) Has the attention of the Government been drawn to the following passages in the report of the Chief Engineer and Secretary to the Government of Bihar and Orissa in the Public Works Department, on the question of floods and Railway embankments in District Saran published as press communiqué, dated the 11th October 1921, Bihar and Orissa Legislative Council debates, Volume III, No. 7:

"A good deal of the drainage of Siwan and Gopalganj Sub-Divisions falls into the trough between the main line of the Bengal, North-Western Railway, and Saran embankment ; and flows in a south-easterly direction towards Sonepur. The drainage of the whole area north of the main line of the Bengal, North-Western Railway, *i.e.*, of about 80 per cent. of the District crosses the main line sooner or later ! "

"The Daha which is the main drainage channel of Siwan and Gopalganj Sub-Divisions, is crossed just after passing Siwan station ! "

"There is a strong local feeling in favour of having a culvert made at this place, which is supported by the Sub-Divisional Officer, Siwan ! "

"*In my opinion the waterway was not sufficient to pass the abnormal rain* of the 15th September ; but is ample for ordinary heavy rain. Beyond Bhatapokhar station at mile 249 *the line was a serious obstacle to drainage. There is a culvert near the place, but this was quite unable to take the water.* The Chief Engineer of the Railway admits an afflux of 6 feet at the place where the line was cut, and *the Agent has accepted the necessity of a bridge !* "

(*b*) Have additional waterways been provided at Daha, and beyond Bhatapoker Station as recommended by the Chief Engineer ? If so, how many, and of what dimensions ? If the answer to the above be in the negative, will the Government be pleased to state the reasons ?

Mr. A. A. L. Parsons : (*a*) Government have seen the passages referred to.

(*b*) There was no suggestion for additional waterway at the Daha. Extra waterways have been provided at the following places :—

At mile 243—2 spans of 6 ft. arches to replace a 3 ft. opening. This is the culvert referred to as supported by the Sub-Divisional Officer, Siwan.

At mile 249 (Chain 4050)—8 spans of 6 ft. arches.

At mile 260½ (Chain 235.40)—6 spans of 6 ft. arches.

FLOODS IN BIHAR.

1664. ***Mr. Gaya Prasad Singh :** (*a*) Has the attention of the Government been drawn to the following passages in the report of the Chief Engineer and Secretary to the Government of Bihar and Orissa, published as press communiqué, dated 11th October 1921:

"The Doronda-Maharajaganj Branch does not seriously obstruct the drainage, but appears to hold up the water to some extent. *The question of additional waterway may be considered* when the detailed report of the afflux at each opening is received ?"

"The Chapra-Mashrak Branch—*The failure of the first six miles of this branch to pass the flood is the great cause of complaint against the Railway. The waterway was totally inadequate to pass the heavy flood ?*"

"*The water backed up against the Railway until it was levelled with the rails both in the branch and main lines.* The Chapra-Mashrak line was either cut or breached early on the morning of the 16th. It would have breached in any case as *the waterway was insufficient to pass the impounded water.* The Chief Engineer of the Bengal North-Western Railway states that the line was cut at all the places ?"

"The wide breaches are all in the first six miles where *the Railway runs through low ground, and obstructs the drainage ?*"

"*The effect of the blocking of the drainage by the Mashrak Branch was to increase greatly the flood level immediately west of the line,* with the result that almost all the houses in villages lying west of the Railway collapsed. *The damage to houses and property would have been comparatively small had there been sufficient waterway to pass the flood ?*"

(*b*) Will the Government be pleased to state how many waterways have been provided in this section of the Railway line as recommended in the report ; and of what dimensions ? If the answer be in the negative, will the Government kindly give the reasons ?

Mr. A. A. L. Parsons : (*a*) Government have seen the passages referred to.

(*b*) *Doronda-Maharajganj Branch.*—The afflux levels recorded did not show that any increase of waterway was necessary.

As regards extra waterways on the Chapra-Mashrak Branch, the Honourable Member's attention is invited to the list† I have placed on the table.

FLOODS IN BIHAR.

1665. ***Mr. Gaya Prasad Singh :** (*a*) Has the attention of the Government been drawn to the following passages in the report of the Chief Engineer and Secretary to the Bihar and Orissa Government published as press communiqué, dated 11th October 1921:

"The only outlet being closed, the water could not get away except through *the Railway sluices, which only drain a limited area ?*"

"In the afternoon of the 15th *the flood* from the west came down, and *backed up by the Mashrak Branch began flowing into the town ?*"

†*Vide* p. 3014 *ante.*

"In view of the fact that the Gogra was low, there was no reason for Chapra town suffering anything like so much damage, had there been proper arrangements for dealing with the drainage and the flood. The damage was of course intensified by the failure of the Mashrak Branch to pass the flood?"

(*b*) Will the Government be pleased to state if "a large increase in waterway on the Mashrak Branch" has been provided as recommended in the report referred to above? And if not, why not?

Mr. A. A. L. Parsons: (*a*) Government have seen the passages in question.

(*b*) The reply is in the affirmative. The Honourable Member's attention is invited to the list† placed on the table.

PREVENTION OF FLOODS IN BIHAR.

1666. ***Mr. Gaya Prasad Singh**: (*a*) Has the attention of the Government been drawn to the proceedings of a conference of officials and non-officials held on the 30th September 1921, and published in the Bihar and Orissa Legislative Council debates, Volume III, No. 8, pages 373—374, in which it is reported that Mr. W. S. Bremner, Chief Engineer, Irrigation Branch of the Public Works Department, Government of Bihar and Orissa, stated that "*he would settle with the Railway Agent what measures should be taken to prevent future floods*"?

(*b*) Will the Government be pleased to state the exact nature of the settlement referred to above, and of the measures taken to prevent future floods?

Mr. A. A. L. Parsons: (*a*) Government have seen the proceedings referred to.

(*b*) At the request of the Railway Administration, Mr. Bremner was deputed by the Bihar and Orissa Government to discuss the question of waterways in the district affected by the exceptional flood in 1921, and as a result, the additional waterways considered necessary to prevent future floods, have been provided.

Mr. Gaya Prasad Singh: Has the attention of the Government been drawn to a publication entitled "Defective Waterways on the B. N. W. Railway in the district of Saran" by George Nixon?

Mr. A. A. L. Parsons: I am afraid I must ask for notice.

PROVISION OF ADDITONAL WATERWAYS ON THE BENGAL AND NORTH-WESTERN RAILWAY TO MEET FLOOD SITUATION.

1667. ***Mr. Gaya Prasad Singh**: (*a*) Are the Government aware that in reply to question No. 419 of the 10th March 1921, relating to the "inadequate provision of culverts and waterways on the Bengal and North-Western Railway line from Barauni Junction to Katihar Junction," the Government stated in this House that "judged by ordinary conditions, *this section of the line is not provided with waterways to the extent that would be normally considered necessary*"; and that "*the culverts were never intended to be flood openings, but to deal with impounded water from local rain-fall*"?

(*b*) Will the Government be pleased to state if additional waterways have been provided on this Railway since the date of the reply to meet

†*Vide* p. 3014 *ante*.

flood situations ? If the reply be in the negative, will the Government kindly give the reasons ?

Mr. A. A. L. Parsons: (*a*) Yes, but the Honourable Member will no doubt have noticed that the reply went on to say that the amount of waterway provided was in accordance with the unanimous decision of a committee, representing all interests which met to consider the question at Bhagalpur on 5th December 1898. The inference was therefore plain that the question was decided with due regard to the special conditions obtaining in the locality.

(*b*) The reply is in the negative and the reason for not providing more waterway is given in the reply to the first portion of the question.

Mr. Gaya Prasad Singh: Are Government aware of the fact that in reply to a question on the recent floods in Bihar, the Local Government in the course of a statement in the Bihar and Orissa Legislative Council on the 29th August 1924 stated as follows:

"Several telegrams have been received from the residents of Saharsa, Makna Bazar, Mansi, Pasraha and Khagaria reporting that scores of villages were flooded, cattle were dying for want of fodder and that people were in great distress. They prayed for more outlets in the B. N. W. Railway line in various places."

What steps do Government propose to take in the matter ?

Mr. A. A. L. Parsons: I must ask for notice.

Mr. Gaya Prasad Singh: Do the Government propose to take any action on this ?

Mr. President: The Financial Commissioner has very properly asked for notice.

Prevention of Floods in North Bengal.

1368. ***Mr. Gaya Prasad Singh**: (*a*) With reference to question No. 149, asked in the Council of State on the 18th March 1924, regarding floods in North Bengal, will the Government be pleased to publish the recommendations of Rai Bahadur Ralla Ram, I.S.O., who was specially appointed by the Railway Board to undertake the investigation of the subject ?

(*b*) Will the Government be pleased to state if additional waterways on the (*i*) Santhar Jamalgunj Railway section ; (*ii*) Santhar-Kahaloo section ; and (*iii*) Sara-Serajgunj Railway line, have been provided, as recommended in the report ?

(*c*) If the answer to the above be in the negative, will the Government be pleased to state their reasons ?

Mr. A. A. L. Parsons : (*a*) Six copies of the Report by Rai Bahadur Ralla Ram, I.S.O., on the Northern Bengal floods are already in the Library.

(*b*) and (*c*). The position is as follows:

(*i*) *Santhar-Jamalgunj section.*—The desirability of additional waterway has been recognised and a special survey for the purpose has recently been completed. No waterway has, however, been provided pending the abandonment of the Metre gauge railway embankment.

(*ii*) *Santahar-Kahaloo section.*—460 feet of additional waterway have been so far provided against the 480 feet recommended, and it is considered that the slightly reduced provision will prove adequate.

(*iii*) *Sara-Serajgunj Railway.*—A bridge with about 600 feet of waterway has been completed which give 50 per cent. more additional waterway than was recommended.

PROPOSED CONSTRUCTION OF A RAILWAY FROM MUZAFFARPUR TO SITAMARHI.

1669. *Mr. Gaya Prasad Singh : (*a*) With reference to my starred question No. 119 of the 4th February 1924, regarding the construction of the Muzaffarpur-Sitamarhi Railway line, have the Government asked for the views of the Government of Bihar and Orissa on the subject, as promised ; and will the Government be pleased to lay on the table a copy of the reply ?

(*b*) Has the attention of the Government been drawn to the following question asked in the Bihar and Orissa Legislative Council on the 25th July 1921 :

" Are the Government aware that great inconvenience is felt by the inhabitants of the Sitamarhi Sub-Division, in coming to its District Headquarters, Muzaffarpur, for want of a direct Railway line between the two ? "

to which the following reply was given by the Government :

" The necessity for the proposed line has been brought to the notice of Government by the Comissioner of the Division ; and it has been included in the list of Railway projects recently prepared for early construction " ?

(*c*) Has the attention of the Government been drawn to the following reply given by the Government of Bihar and Orissa in the Local Legislative Council, on the 22nd November 1921 on this subject :

" The suggested line has been included in the list of new Railway projects for early construction, which has been sent to the Railway Board ? "

(*d*) Will the Government be pleased to state if they are prepared to sanction the early construction of a direct railway between Muzaffarpur and Sitamarhi ?

If the reply be in the negative, will the Government kindly give their reasons ?

Mr. A. A. L. Parsons : (*a*) The matter is still under correspondence with the Government of Bihar and Orissa and the Government are not in a position to lay on the table a copy of the papers.

(*b*) and (*c*). The reply is in the affirmative.

(*d*) In view of the reply given to (*a*) above the Government are not at present in a position to say if and when the Muzaffarpur-Sitamarhi Railway will be sanctioned for construction.

Mr. Gaya Prasad Singh : Are Government aware that in reply to a question on this subject in the Bihar and Orissa Legislative Council on the 19th August 1924 the Local Government stated " that Government are unable to give any date as to when the construction of the line in question will be taken in hand. The matter is now under correspondence with the Railway Board." ?

Mr. A. A. L. Parsons : I was not aware of the fact, Sir, but I am glad that the opinion expressed by the Government of Bihar and Orissa coincides with that which I have just given to the Honourable Member.

COMPLAINT AGAINST THE HOWRAH RAILWAY STAFF.

1670. *Mr. Gaya Prasad Singh : With reference to my starred question No. 1106 of the 30th May 1924, regarding the complaint against the Howrah railway staff, will the Government be pleased to state what punishment has been inflicted upon the booking clerks concerned ?

Mr. A. A. L. Parsons : The only information Government possess is that the booking clerks concerned were adequately punished. Government do not know the exact form which the punishment took.

PROVISION OF A LATRINE AND FEMALE WAITING ROOM AT AHMADPUR JUNCTION STATION ON THE EAST INDIAN RAILWAY.

1671. *Mr. Gaya Prasad Singh : (*a*) Has the attention of the Government been drawn to a signed letter headed " Railway grievances," published in the " Amrita Bazar Patrika," dated the 22nd June 1924 ?

(*b*) Is it a fact that there is no latrine or female waiting room at Ahmadpur Junction Station on the East Indian Railway ?

(*c*) What steps have been taken to remedy the grievances complained of ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) Yes. Government understand that the traffic does not warrant the provision of a female waiting room and that the provision of a latrine is under consideration.

(*c*) Government understand that No. 1 Up Ahmadpur-Katwa train generally runs punctually, and that in June this train missed its connection with No. 27 Up East Indian Railway train at Ahmadpur on only one occasion. Also Government are informed that the interval between the former and latter train at Ahmadpur has recently been increased to 25 minutes.

ALLEGATIONS AGAINST THE STAFF OF THE BENGAL, NORTH-WESTERN RAILWAY.

1672. *Mr. Gaya Prasad Singh : (*a*) Has the attention of the Government been drawn to a signed letter headed " Ways of Railway Staff," published in the *Searchlight* of Patna, dated 8th June 1924 ?

(*b*) Are the allegations made therein with reference to the staff of the Bengal, North-Western Railway substantially correct ? And what action has been taken in the matter ?

Mr. A. A. L. Parsons : (*a*) No.

(*b*) A copy of the Honourable Member's question and of this answer has been sent to the Agent in order to draw his attention to the fact that such an article was published.

Mr. Gaya Prasad Singh : With regard to the answer given to part (*a*) of my question, I beg to point out that I enclosed a cutting of the *Searchlight* newspaper along with my question. I presume it has been made over to the Government for answer ?

Mr. A. A. L. Parsons: It must have been mislaid. Sir. I have not seen it.

Mr. Gaya Prasad Singh: I think the Legislative Department ought to look into the matter. I sent it.

INCOME-TAX ASSESSMENT.

1673. ***Mr. Gaya Prasad Singh**: (*a*) Has the attention of the Government been drawn to the "Amrita Bazar Patrika," dated the 26th June 1924, in which a paragraph has appeared relating to the judgment of the Patna High Court, in the case of the Honourable Mr. Sachidanand Sinha, who moved against the assessment of his income-tax without giving him an opportunity of filing his objections ?

(*b*) Will the Government be pleased to state how much public money has been spent in defending the reference at the Patna High Court ?

(*c*) Is there any truth in the statement made in the newspaper referred to that "there are many cases of illegal assessment and unnecessary harassment which do not come to light, and in which the parties find no relief" ? Do the Government propose to take any steps to control Income-tax Officers in enhancing assessments ?

The Honourable Sir Basil Blackett: (*a*) The Government have seen the paragraph.

(*b*) The Government have not the information desired.

(*c*) No.

ECONOMY IN MILITARY EXPENDITURE.

1674. ***Mr. Gaya Prasad Singh**: (*a*) Have the Government of India appointed any Committee for the purpose of making recommendations for economy in the military expenditure, as stated by Mr. Thurtle in the House of Commons (*vide* "Amrita Bazar Patrika," dated 26th June 1924) ?

(*b*) If so, who are the members of the Committee ; and what sum, if any, has been sanctioned for the inquiry ?

The Honourable Sir Basil Blackett: (*a*) The answer is in the negative. The Honourable Member probably has in mind the Sub-Committee of Council mentioned in my reply to Mr. K. Rama Aiyangar's question No. 1561 on the 11th June 1924, which has been engaged in examining the probable military expenditure for 1925-26 on behalf of the Council as a whole.

(*b*) The Sub-Committee referred to was composed entirely of Members of Council. No extra expenditure was involved.

SIR SANKARAN NAIR'S BOOK "GANDHI AND ANARCHY".

†1675. ***Mr. Gaya Prasad Singh**: (*a*) Has the attention of the Government been drawn to the evidence of Sir Sankaran Nair, published in the Press, in the course of which he stated that "the materials for the book "Gandhi and Anarchy" were supplied to him by the Government of India, the Government of Bengal, and other Provincial Governments : and a large number of copies were purchased by them" ?

(*b*) Will the Government be pleased to state in detail what materials were supplied to Sir Sankaran Nair by the Government of India and how many copies of the book were purchased by them ?

(*c*) Was Sir Sankaran Nair asked by the Government to write his book "Gandhi and Anarchy" in opposition to Mahatma Gandhi's

† For answer to this question, *see* p. 3022 *infra*.

movement ; and have the Government made any pecuniary contribution towards the production of the book ? If so, how much ?

SIR SANKARAN NAIR'S BOOK " GANDHI AND ANARCHY ".

†1678. *Mr. C. S. Ranga Iyer : (*a*) Will the Government be pleased to state if it is a fact that they suggested it to Sir Sankaran Nair to write the book " Gandhi and Anarchy " ?

(*b*) Was any material supplied by the Government to Sir Sankaran Nair to write that book ? If yes, what was the nature of the material supplied ?

(*c*) Was any other help rendered to Sir Sankaran Nair ? If so, what was the kind of help rendered ?

(*d*) Was any chapter of the book written by any official of the Government of India ?

(*e*) Were any copies of the book bought by the Government of India ? If so, how many copies ? At what price ? To what use were the purchased copies put ? Were they circulated free ?

TRANSLATION OF SIR SANKARAN NAIR'S BOOK " GANDHI AND ANARCHY ".

†1679. *Mr. C. S. Ranga Iyer : Was Sir Sankaran Nair's book " Gandhi and Anarchy " translated into any of the vernaculars ? Was the translation carried out at the instance of the Government ? What is the cost which the translation involved ? Into how many languages was the book translated ? Were any of the translated copies circulated free ? If so, how many and in what Provinces ?

DEFAMATORY PASSAGE IN SIR SANKARAN NAIR'S BOOK " GANDHI AND ANARCHY ".

†1681. *Mr. C. S. Ranga Iyer : Did the defamatory passage in the book " Gandhi and Anarchy " occur in the translation ? Was the deletion of the defamatory passage in the second edition of the book done at the instance of the Government ?

SIR SANKARAN NAIR'S BOOK " GANDHI AND ANARCHY ".

†1705. *Haji S. A. K. Jeelani : (*a*) Will the Government be pleased to state whether it is a fact that Government assistance had been sought and obtained by Sir Sankaran Nair in the preparation of his book " Gandhi and Anarchy " ? If so, will the Government be pleased to state what is the nature of the assistance rendered and the object of the Government in rendering such assistance ?

(*b*) Did Sir Sankaran Nair write that book of his own accord or was it suggested to him by the Government ?

(*c*) How many copies of Sir Sankaran Nair's book " Gandhi and Anarchy " were bought by the Government and what use was made of them ?

SIR SANKARAN NAIR'S BOOK " GANDHI AND ANARCHY ".

1897. *Sardar V. N. Mutalik : Will Government be pleased to state :—

(1) whether it is a fact that this Government instructed Sir Sankaran Nair to write the book, " Gandhi and Anarchy " and whether Government had seen the manuscript before its publication ?

† For answer to this question, *see* p. 3022 *infra*.

(2) whether Government have spent any amount for its publication ?

(3) whether Sir Michael O'Dwyer consulted the Government or the Secretary of State before filing the suit against Sir Sankaran Nair ?

(4) whether there was any correspondence between this Government or the Secretary of State, on the one hand, and Sir Michael O'Dwyer or Sir Sankaran Nair on the other hand, with regard to the libel suit between the knights ? and if so, will Government be pleased to place the correspondence on the table ?

(5) whether any expenditure was incurred by this Government or the Secretary of State, in connection with the suit and, if any, for what party ?

The Honourable Sir Alexander Muddiman: Sir, with your permission I will answer questions Nos. 1675, 1678, 1679, 1681, 1705 and 1897 on the same subject together. In February 1922, Sir Sankaran Nair, at his own request, was supplied with the official reports of certain debates in the Imperial Legislature, newspaper reports and debates in certain Provincial Legislatures, a copy of the Repressive Laws Committee's Report and certain statements containing lists of important riots and disorders, which had already been laid on the table of this House. Apart from the supply of that material, which consisted entirely of public documents, the Government of India afforded no assistance of any kind to Sir Sankaran Nair in the publication of his book. The book was not inspired by them and manuscripts were not seen by them prior to publication. So far as they are aware no chapter of the book was written by any official of the Government of India. I have no information as to whether any Provincial Government gave any assistance to Sir Sankaran Nair or not.

2. The Home Department purchased three copies of the book at a cost of Rs. 2-8-0 each for official use. The Director of Public Information purchased 18 copies, some of which were sent by him to his correspondents and some kept for his own use. I understand that the book was translated into Urdu and Hindi under the auspices of the Publicity Officer, United Provinces, but I have no information as to the number of copies published in these languages, or the use made of them, or of the cost of translation. The passages, which formed the subject of the libel action, occur in the Urdu edition, and it may be presumed in the Hindi edition also. The Government of India had no concern in the deletion of any passages from the second edition of the book.

Sir Michael O'Dwyer did not consult the Government of India before filing his suit, and I have no reason to suppose that he consulted the Secretary of State. Both parties asked the Government of India for certain official documents and these were supplied to them. I am not prepared to lay the correspondence on the table. Government incurred no expenditure in connection with this suit, except in the supply of the documents referred to above and correspondence connected therewith.

Mr. Gaya Prasad Singh: Is it a fact that the Government of India subsequently deputed an officer of their own to hunt up evidence on the strength of which Sir Sankaran Nair was subsequently convicted ?

The Honourable Sir Alexander Muddiman: I have not learnt yet of the conviction of Sir Sankaran Nair.

Mr. Gaya Prasad Singh: The exact statement has appeared in the *Amrita Bazar Patrika* of the 8th July 1924.

APPROVAL OF THE LEGISLATIVE ASSEMBLY TO CERTAIN CONTRACTS.

1676. *Sir **Purshotamdas Thakurdas** : With reference to Diwan Bahadur Ramachandra Rao's Resolution passed by the Assembly recommending that the Assembly's approval be obtained by Government regarding certain contracts, and with reference to the reply given to unstarred question No. 249 on the 27th May 1924 that the Government of India's decision is that they cannot be bound by the said Resolution, will Government be pleased to state the grounds on which their said decision was arrived at ?

The Honourable Mr. A. C. Chatterjee : The grounds for the Government of India's decision were the same as were taken by the Honourable Member for Railways and myself in opposing the Resolution.

ALLEGATIONS AGAINST ASIATIC CLERKS AND INDIAN MONEY-LENDERS IN THE REPORT OF THE COMMISSON ON AGRICULTURE APPOINTED BY THE ZANZIBAR GOVERNMENT IN 1922.

1677. *Sir **Purshotamdas Thakurdas** : (*a*) With reference to question No. 1150 put in the Assembly on 2nd June last drawing the attention of Government to allegations against Asiatic clerks and Indian moneylenders in the Report of the Commission appointed by the Zanzibar Government in 1922, will Government be pleased to give replies to sections 3, 5, 6 and 7 (*a*) of the said question ?

(*b*) Has the attention of Government been drawn to a memorandum on the report of the said Commission by Mr. Yusufali Esmailjee Jivanjee, a Member of the Protectorate Council, Zanzibar ?

(*c*) If the reply to the above be in the affirmative, do the Government of India propose to draw the attention of the Government of Zanzibar to the various points made out by Mr. Yusufali in his memorandum after his experience of the conditions in Zanzibar ?

Mr. J. W. Bhore : *Part* (*a*). Sections 3, 5 and 6 of question No. 1150 of 2nd June 1924. The Government of India regret that they have no information regarding the qualifications of the members of the Commission. They understand that copies of the Commission's questionnaire were sent to certain leading Indians who were asked *inter alia* for particulars regarding the indebtedness of the agricultural classes, but no replies were received from them on these points. No Indian witnesses were examined orally. As the Commission took no minutes of evidence it is not possible to comply with the Honourable Member's request for a copy to be placed in the Library of the House.

Part (*b*). The reply is in the negative. If the Honourable Member will be so good as to furnish me with a copy of the memorandum the matter will be looked into.

Part (*c*). The Indian member of the Protectorate Council complained in Council of certain specific observations and received an assurance that his complaint had been made under a misapprehension. He was also invited to discuss all contentious points with the Vice-Chairman of the Commission but did not avail himself of the offer. In the circumstances the Government of India are not prepared to take any action in the matter.

Sir Purshotamdas Thakurdas: With reference to the Honourable Member's reply to part (*a*) of my question, will the Honourable Member be pleased to say if he has any information as to whether any Indians were asked to give evidence before the Commission on the whole reference to the Commission ? I understand that some Indians were asked to give certain information which they perhaps could not do, but were they asked to give evidence on the whole reference ?

Mr. J. W. Bhore: I regret I cannot give an answer to the Honourable Member's question because the reply from the Zanzibar Government is not quite clear on that point.

Sir Purshotamdas Thakurdas: Will the Government be pleased to get a clear reply from them ?

Mr. J. W. Bhore: If the Honourable Member thinks it is worth while I will attempt to do so.

Sir Purshotamdas Thakurdas: I think it will be very useful to know how decisions were taken by the Commission without examining a single Indian witness on the point. May I inquire if the Honourable Member is disposed to say that Government will make inquiries ?

Mr. J. W. Bhore: I think the Government will be prepared to do so.

(For questions Nos. 1678 and 1679—*see* p. 3021 *ante*.)

CONTRIBUTION BY GOVERNMENT TOWARDS THE LOSSES SUSTAINED BY SIR SANKARAN NAIR IN THE O'DWYER-NAIR CASE.

1680. ***Mr. C. S. Ranga Iyer**: Do the Government propose to pay towards the losses sustained by Sir Sankaran Nair in the O'Dwyer-Nair case ? Do they at least propose to give Sir Sankaran Nair £500, the amount of damages awarded to Sir M. O'Dwyer ?

The Honourable Sir Alexander Muddiman: Numbers 1678, 1679 and 1681 have already been answered. As regards 1680, which relates to payments, the answer is in the negative.

Mr. Chaman Lall: As regards part (2) of question 1681, was the deletion done at the instance of Government ?

The Honourable Sir Alexander Muddiman: I have already answered that question.

(For Question No. 1681—*see* p. 3021 *ante*.)

MR. JUSTICE MCCARDIE'S JUDGMENT, IN THE O'DWYER-NAIR CASE.

1682. ***Mr. C. S. Ranga Iyer**: (*a*) Will the Government be pleased to state if a complete transcription of Justice McCardie's judgment in the O'Dwyer-Nair case has been transmitted by the Secretary of State to the Government of India ?

(*b*) Have the Government been asked to express their opinion on the extra-judicial matters raised by Justice McCardie in the light of the Hunter Commission Report ?

(*c*) If yes, will the Government be pleased to lay on the table a copy of the document containing their opinion on the subject ?

The Honourable Sir Alexander Muddiman: (*a*) A complete transcript of Mr. Justice McCardie's summing up has been received and published in the Government of India Gazette of the 26th August 1924.

(*b*) and (*c*). I invite the Honourable Member's attention to the Resolution of the Government of India published in the Gazette of India Extraordinary of the 1st September 1924.

SIR SANKARAN NAIR AND THE ROUND TABLE CONFERENCE OF 1922.

1683. ***Mr. C. S. Ranga Iyer:** (*a*) Did the Government ask Sir Sankaran Nair to preside over what is known as the "Round Table Conference" early in 1922 ?

(*b*) Did Sir Sankaran submit any report of the Conference to the Government ? If yes, will they be pleased to place the report on the table ?

The Honourable Sir Alexander Muddiman: (*a*) The answer is in the negative.

(*b*) Does not arise.

An Honourable Member: Are the Government aware that Sir Sankaran Nair made a statement in the Press that he communicated to the Government, as the report says, his views about a Round Table Conference ?

The Honourable Sir Alexander Muddiman: That I am not aware of, Sir.

Diwan Bahadur T. Rangachariar: May I ask Mr. Ranga Iyer on what information he has based his question ?

The Honourable Sir Alexander Muddiman: That question is not addressed to me ?

Mr. K. Ahmed: May I ask, as a matter of principle and under the rule that we abide by, whether in putting this question my Honourable friend from Madras is entitled to put a specific question to my Honourable friend from the United Provinces under the circumstances ?

Mr. C. S. Ranga Iyer: If, I have not misunderstood Mr. Rangachariar's question, I say, I based my information on a statement which appeared in the Press and the statement was attributed to Sir Sankaran Nair. I was also told that the attention of Sir Sankaran Nair was drawn to that statement. Personally I have not seen any statement in the Press made by Sir Sankaran Nair or anybody else contradicting that statement, and I have reason to believe, at any rate I had reason to believe it until the Honourable the Home Member answered my question, that Sir Sankaran Nair made some statement either orally or in writing to the Government of India with regard to a Round Table Conference.

Mr. President: It may be an appropriate moment now for me to point out to the Chamber that Members putting questions on the paper are held to be responsible for any statement of fact they may contain, and that it is undesirable for them to seek to protect themselves by using the authority of a newspaper for facts about which they themselves are uncertain.

Mr. Chaman Lall: May I know whether it is within the knowledge of the Honourable Mr. Rangachariar that this statement is not based on facts ?

Mr. President: As I pointed out to the Honourable Member who asked this question, it is his business to satisfy himself of the facts which he incorporates in his question. If another Honourable Member challenges his accuracy, it is not for the challenger but for the challenged to substantiate the statement.

Pandit Motilal Nehru: May I ask whether it is the duty of a Member to carefully sift the facts which appear in the Press before putting a question ?

Mr. President: I have pointed out to the Chamber that it is desirable for Honourable Members to remember the terms of Standing Order 15 (*ii*). Members putting questions on the paper are supposed to make themselves responsible for any statement of fact they contain. In this case I do not suppose much harm has been done. But the principle is laid down in the Standing Order.

Mr. M. A. Jinnah : May I know what is the responsibility of a Member of this House who puts a question that is based on a newspaper report ?

Mr. President : I have had occasion more than once, before admitting a question, to ask the Member point blank whether he would make himself responsible for a certain statement, for it seemed to me that the publication of the statement might lead to trouble. In some cases Members have satisfied me, in others they have not. In this case I can leave it to Mr. Rangachariar and Mr. Ranga Iyer to settle between themselves.

PURCHASE FROM MESSRS. ARMSTRONG WHITWORTH AND COMPANY OF LOCOMOTIVES FOR THE BENGAL NAGPUR RAILWAY.

1684. ***Mr. Devaki Prasad Sinha** : (*a*) Has the attention of Government been drawn to Reuter's cable, dated Geneva, the 30th June 1924 announcing that " Messrs. Armstrong Whitworth and Company in the face of very strong foreign competition have secured an order for 37 heavy main line locomotives for the Bengal Nagpur Railway " ?

(*b*) Was this purchase made through the Government of India, or through the Indian High Commissioner ?

(*c*) What foreign competition was referred to in this cablegram ? Will Government be pleased to lay on the table a comparative statement of quotations received from England as well as from other foreign countries ?

(*d*) What were the reasons for accepting the offer of Messrs. Armstrong Whitworth and Company ?

Mr. A. A. L. Parsons: The Government's attention has been called to the Reuter's cablegram, referred to by the Honourable Member, but as the purchase was made in England by the Railway Company, in accordance with the terms of its contract, Government have no detailed information on the subject. They presume (1) that the tender notice was published and in accordance with the usual practice in the technical journals in England, (2) that tenders were received from British and foreign manufacturers, and (3) that the Board of Directors on the advice of their

Consulting Engineers accepted what was considered to be the most advantageous tender.

INDUSTRIAL UNEMPLOYMENT IN INDIA.

1385. *Mr. Devaki Prasad Sinha : (*a*) Has the attention of Government been drawn to Reuter's cable, dated Geneva, the 30th June 1924, containing a summary of the speech made by the Honourable Mr. A. C. Chatterjee on behalf of India ?

(*b*) Is it a fact that Mr. Chatterjee stated at Geneva that " There was no industrial unemployment in India and that the Government had already adopted an excellent system of dealing with occasional unemployment in agriculture " ?

(*c*) What " excellent system " does the Honourable Mr. Chatterjee refer to ? How far has it met the demands of " Occasional unemployment " ?

(*d*) Have the Government of India made any inquiry into the question of industrial unemployment in this country ? On what materials did the Honourable Mr. Chatterjee make the statement that there was no industrial unemployment in India ?

The Honourable Mr. A. C. Chatterjee : (*a*) Yes.

(*b*) and (*c*). The statement in question is not a quotation from my speech, the official record of which I shall be happy to show to the Honourable Member if he is interested. I stated that, ordinarily speaking, there is no unemployment among industrial workers in India. This is a fact which is well known to all who are acquainted with the demand for industrial labour in India, and it was confirmed by the inquiries made by the Government of India in 1920. I went on to allude to our system of famine relief, a system which, inasmuch as it provides not merely relief but actual employment on a large scale when necessary, is in advance of any system of employment exchanges or unemployment insurance in other countries.

(*d*) The Honourable Member is referred to Bulletin No. 10 of the Bulletins of Indian Industries and Labour, which contains the results of the inquiries made in 1920. The Government of India have endeavoured to maintain constant touch with the industrial situation in India since that date.

Mr. N. M. Joshi: May I ask whether the Honourable Member has got more recent information ? He talks of 1920. I want to know whether there has been any unemployment since 1920, and whether the Honourable Member is aware that on State and Company-managed railways in India thousands of people have been discharged during this period. Not only that, but is the Honourable Member aware that in his own Department in the Government presses people in large numbers have been discharged, and whether all these people who have been discharged from railways as well as from Government presses have found employment, and whether there is a great deal of unemployment in the country at present ?

The Honourable Mr. A. C. Chatterjee: In answer to the very lengthy question of my Honourable friend, I can only state that we endeavour to the best of our ability to keep in touch with the situation in the country, and I have no reason to believe that the men who were discharged have not found employment elsewhere.

Mr. N. M. Joshi : Does the Honourable Member undertake to give employment to the people who are being discharged from the railway workshops as well as from his own printing presses ?

The Honourable Mr. A. C. Chatterjee : Certainly not.

Mr. Chaman Lall : May I ask the Honourable Member if he is prepared, firstly, to institute an inquiry into the question of unemployment in India in industrial centres, and, secondly whether he would inform the House of the terms of reference of the 1920 Inquiry Committee as well as the conclusions arrived at by that Committee ?

The Honourable Mr. A. C. Chatterjee : I have no reason to believe that there is unemployment at present in industrial centres and I am not prepared to institute an inquiry. As regards the terms of the inquiry of 1920, I have already referred the Honourable Member to a published bulletin.

Mr. N. M. Joshi : May I ask, Sir, if the existence of thousands of unemployed will not convince my Honourable friend of the existence of unemployment, what will convince him of its existence ?

The Honourable Mr. A. C. Chatterjee : The Honourable Member, Sir, has put a hypothetical question.

Lieut.-Colonel H. A. J. Gidney : May I ask the Honourable Member if he will tell us of any single specific attempt on the part of Government to relieve unemployment as it exists to-day in India, and, secondly, since unemployment in England has necessitated such extensive and extraordinary relief action on the part of the British Government, does it redound to the credit of the Indian Government, surrounded as they are to-day by unemployment of their own creation, for the Honourable Member in charge to so unsympathetically say that they do not propose to start an inquiry ?

Mr. President : Questions of credit seem to me to be hypothetical.

Sir Purshotamdas Thakurdas : May I ask the Honourable Member if he can tell us what are the normal sources of information of the Government of India enabling them to come to any conclusion regarding adequate employment or unemployment of either the industrial or agricultural population in India ?

The Honourable Mr. A. C. Chatterjee : The reports of our district officers.

Sir Purshotamdas Thakurdas : Regarding industrial unemployment, Sir ?

The Honourable Mr. A. C. Chatterjee : Yes.

Mr. Chaman Lall : Will the Honourable Member put them on the table of the House ?

The Honourable Mr. A. C. Chatterjee : No.

Sir Purshotamdas Thakurdas : Will the Honourable Member be pleased to say whether the industries of India are mainly located in districts or in cities ?

The Honourable Mr. A. C. Chatterjee : Cities are included in districts.

Mr. M. A. Jinnah : What, Sir, is the latest date of that report ? Can the Honourable Member give us the date of that report ?

The Honourable Mr. A. C. Chatterjee : We receive reports every fortnight.

Pandit Shamlal Nehru : May I inquire, Sir, whether recruitment from England does not create unemployment in India ?

The Honourable Mr. A. C. Chatterjee : Certainly not ; we were only discussing industrial unemployment.

Pandit Shamlal Nehru : I mean industrial unemployment. Eighty people have already come from England, to Tatas.

Sir Purshotamdas Thakurdas : Will the Honourable Member please place the latest copy of the departmental report received from district officers on the table ?

The Honourable Mr. A. C. Chatterjee : I have already said that I was not prepared to place these reports on the table.

Mr. Gaya Prasad Singh : Will the Honourable Member state the reasons for refusing to place the reports on the table ?

Mr. President : I think Honourable Members may put other questions down on the paper.

Opium Policy of the Government of India.

1686. ***Mr. Devaki Prasad Sinha** : (*a*) Has the attention of Government been drawn to a resolution passed by the All-India Congress Committee at its last sessions at Ahmedabad, condemning the opium policy of the Government of India ? Do Government propose to revise their opium policy in the light of facts recently disclosed by Miss La Motte and by Mr. C. F. Andrews ?

(*b*) What are the difficulties against the sale and manufacture of opium in India being confined to strictly medicinal purposes ?

The Honourable Sir Basil Blackett : (*a*) The Government have seen a report to that effect in the press. Statements made *ex parte* by Miss La Motte, and Mr. Andrews do not appear to the Government to afford strong ground for a revision of the Opium policy of the Government of India. That policy has been strictly in accordance with the obligations accepted by them as parties to the Hague Convention. If it were to be reconsidered, it would have to be reconsidered in the light of ascertained facts.

(*b*) The primary difficulty of confining the use of opium in India to strictly medicinal purposes, were such a policy decided on, is a practical one. The number of qualified medical practitioners trained in accordance with some authoritative curriculum is so small in comparison with the population that to restrict the use of opium and its allied products to such persons as can obtain prescriptions from qualified medical practitioners would be to deprive an overwhelming majority of the population of the use of opium as a medicine. On the other hand, to accept prescriptions from unqualified persons might merely give such persons an illegitimate source of income without doing anything towards effectively restricting the consumption of opium.

Mr. N. M. Joshi : May I, Sir, ask Government whether they are not aware that their present opium policy is not approved of by a large section of the public in India ? I would also like to ask them one question as to why they oppose the restricted use of opium for medicinal purposes. The Government of India insist upon the use of opium in India for all legitimate purposes and I want to know from them what they consider to be legitimate purposes.

Mr. President : The Honourable Member is too fond of argumentative questions. He must make his questions shorter.

Mr. N. M. Joshi : I wanted to explain my question fully, Sir.

Mr. President : The Honourable Member may assume that the Government are sufficiently intelligent to understand his questions.

The Honourable Sir Basil Blackett : I cannot claim that I have sufficient intelligence to understand the explanation. I think I understood the question. I did my best to answer the last part of the question, the question about restriction to medicinal uses. The Honourable Member is incorrect in stating that the Government oppose such restriction. I explained the difficulties as to the practical working of any such restriction. As regards the first part of the question, it is difficult to find any policy of the Government of India which is not opposed by some section of the people of India.

Mr. N. M. Joshi : I want to ask Government whether they are not aware that a large section, the majority of the public opinion, in India is opposed to their policy ?

The Honourable Sir Basil Blackett : That, Sir, is a matter of opinion.

Mr. N. M. Joshi : I am not asking about an opinion. I am asking them whether they are aware or not. That is a question of fact.

The Honourable Sir Basil Blackett : The answer then is in the negative.

Mr. N. M. Joshi : I also want to know if they had not opposed the restriction of the use of opium to medicinal purposes, why they insisted at the League of Nations meetings in using the word " legitimate " instead of " medicinal " purposes.

The Honourable Sir Basil Blackett : That, as the Honourable Member is aware, involves a long explanation, and he is probably already in possession of the documents from which he can get an answer.

Khan Bahadur W. M. Hussanally : Are the Government of India prepared to appoint a Committee to ascertain the public opinion upon this question in India ?

The Honourable Sir Basil Blackett : That is a question, Sir, which may come up in due course.

TRAVELLING AND DAILY ALLOWANCES DRAWN BY MR. J. H. GREEN, WHILE SECRETARY OF THE INDIAN MERCANTILE MARINE COMMITTEE.

1687. ***Dr. H. S. Gour :** Will the Government be pleased to state :

(1) If it is a fact that Mr. J. H. Green who worked as Secretary, Indian Mercantile Marine Committee, was, before his appointment as Secretary, a Superintendent in the Department of Education, Health and Lands ?

(2) If so, what was his pay as Superintendent and as Secretary and what were the other terms of his latter appointment ?

(3) Whether one of the terms of his new appointment was the grant to him of travelling and daily allowances in accordance with rules in force before 1st June 1923 ?

(4) If reply to (3) is in the affirmative, is it a fact that he drew travelling allowance in accordance with those rules while he drew daily allowance in accordance with the new rules which came into force from 1st June 1923 and which were more favourable than the old ones ?

(5) What was the amount so drawn in excess of that admissible to him in accordance with the terms of his appointment and whether the same has been recovered ?

(6) By whom was this irregularity brought to the notice of Government ?

(7) Was it found that the irregularity was committed in ignorance of the rules or intentionally ?

(8) Was this irregularity brought to the notice of the Education Department and was it given due consideration when he was promoted to the post of Registrar in the Education Department ?

The Honourable Sir Charles Innes : (1) Yes.

(2) Mr. Green's pay as Superintendent was Rs. 720 per mensem *plus* Simla house-rent allowance of Rs. 500 for the Simla season. His pay as Secretary to the Indian Mercantile Marine Committee was Rs. 900 per mensem without any house-rent allowance. He was also allowed double first class fare for journeys by rail and steamer with the Committee and a daily allowance of Rs. 10, with exemption from the 10 days halt rule, for periods of halt with the Committee at places other than Simla.

(3) No. The terms, as for other members of the Committee, were special to the appointment.

(4) Does not strictly speaking arise. It is correct, however, that the Supplementary Rules governing travelling and daily allowances were amended on the 1st June 1923, so as to permit an officer travelling to draw daily allowance on the days of arrival at, and departure from, a place of halt, and it is correct that Mr. Green afterwards drew daily allowance on such days.

(5) Rs. 47-8-0. The amount has been recovered from Mr. Green.

(6) By the Audit Officer.

(7) The allowance was drawn by Mr. Green, and also by all the other members of the Committee, with the approval of the President, who did not understand that this amendment of the Supplementary Rules did not apply to the Committee.

(8) No.

INTERNATIONAL OPIUM CONFERENCE OF THE LEAGUE OF NATIONS.

1688. ***Mr. Gaya Prasad Singh :** (a) Will the Government be pleased to state if the International Opium Conference of the League of Nations

is to be held in Europe in next November ; and will any representatives from this country be deputed to express India's opinion on the Opium question at the Conference ? And if so, how is the selection to be made ?

(*b*) Will the Government kindly state how many such Conferences have been held in the past ; and the names of India's representatives, if any ; and the method of their selection ?

The Honourable Sir Basil Blackett : (*a*) Yes. Two conferences will be held in November and it has been decided to send Mr. Campbell to represent India at the conferences.

(*b*) No international conference has been held on the subject since the Hague Conference in 1911. The League of Nations has often discussed the question of international control of opium and other drugs and the representatives of India on the League from time to time, with whose names no doubt the Honourable Member is quite familiar, have represented the Government of India on this question also. The League of Nations has also created a Standing Advisory Committee on opium, and on this committee Mr. Campbell has all along represented the Government of India. He was chosen because of his knowledge of this subject.

Mr. N. M. Joshi : May I know whether the Government of India will take steps to ascertain the opinion of this House on this question before they issue instructions to Mr. Campbell for these Conferences ?

The Honourable Sir Basil Blackett : The Honourable Member will find an answer to that exact question in a previous answer given by me to the effect that the Government had no objection if occasion offered to the discussion by this House of the question.

Mr. N. M. Joshi : Will Government give facilities for discussion by allotting a day ?

The Honourable Sir Basil Blackett : That is a question which should be addressed to the Leader of the House.

Mr. N. M. Joshi : May I, Sir, ask the Leader of the House ?

The Honourable Sir Alexander Muddiman : I should like to consult my Honourable Colleague.

TRANSMISSION TO THE INTERNATIONAL OPIUM CONFERENCE OF THE OPINION OF THE ALL-INDIA CONGRESS COMMITTEE ON THE OPIUM POLICY OF THE GOVERNMENT OF INDIA.

1689. ***Mr. Gaya Prasad Singh :** (*a*) Is it a fact that the delegates of the Government of India in the past pleaded in substance before the International Opium Conference that " the Indian people always used opium as medicine, and it did not hurt them at all, and there would be widespread unrest in India if the people were deprived of their opium, as it would be the case if tea were taken away from the British people " ?

(*b*) Are the Government aware of the following resolution passed by the All-India Congress Committee held in Ahmedabad in June last :

" In the opinion of the All-India Congress Committee, the Opium policy of the Government of India is altogether contrary to the moral welfare of the people of India, and other countries. The All-India

Congress Committee is further of opinion that the people of India would welcome the total abolition of the Opium traffic for purposes of revenue, and is also of opinion that the production of opium is out of all proportion to the medical requirements of India" ?

(*c*) Will the Government be pleased to state if they are prepared to transmit the above opinion of the All-India Congress Committee to the International Opium Conference ? And if not, why not ?

The Honourable Sir Basil Blackett : (*a*) The Honourable Member is probably referring to the speech of His Highness the Jam Saheb before the Assembly of the League of Nations on 19th September, 1922. The only passage in that speech which comes near the version of the Honourable Member is this. "I believe I am perfectly correct when I say that Indian soldiers after a long march regard a very small dose of opium in the same light as European soldiers regard a cup of tea, or coffee or cocoa or a glass of beer or wine." This statement, it will be seen, is one based on the personal knowledge of His Highness.

(*b*) The Government are aware of the resolution referred to.

(*c*) It is open to the All-India Congress Committee to transmit its opinion direct to the International Opium Conference if that Conference is prepared to receive it.

Mr. Gaya Prasad Singh : Are Government aware of the fact that the opinion expressed by the All-India Congress Committee in the Resolution which I have quoted above, is the true representation of India's public opinion on the subject of opium policy ?

The Honourable Sir Basil Blackett : I am aware that the Honourable Member apparently thinks it is.

Mr. Gaya Prasad Singh : I have got another supplementary question. Are Government aware, Sir, that in a London cable, dated August 27th, and published in the *Amrita Bazar Patrika* of the 29th August 1924, it is reported that at the meeting of the League of Nations Advisory Committee on the opium traffic, at Geneva :

"Sir John Jordan on behalf of Britain submitted a suggestion that the quantity of the Indian opium exported to States regulating the opium smoking should be reduced by ten per cent. per annum for the decade, and Governments of Japan and Siam and Powers with possessions in the Far East should be requested to reduce their consumption of opium at the same rate ; but the suggestion was opposed by Mr. Campbell on behalf of India so it does not appear as resolution."

Is this gentleman our representative who was deputed to the League of Nations ?

The Honourable Sir Basil Blackett : I can inform the Honourable Member that the first statement is incorrect.

Pandit Shambhu Dayal Misra : What is the correct statement, Sir ?

Mr. Gaya Prasad Singh : I want to know who is this Mr. Campbell ?

The Honourable Sir Basil Blackett : This Mr. Campbell is the gentleman to whom I referred in the answer to the last question.

Mr. Gaya Prasad Singh : I would like to know what are his qualifications to represent us in the League of Nations.

The Honourable Sir Basil Blackett : He is a very great authority on the subject of opium.

Mr. Gaya Prasad Singh : What are his qualifications, educational and otherwise, and what experience has he of India ?

The Honourable Sir Basil Blackett : He is a very distinguished member of the distinguished Indian Civil Service.

Mr. K. Ahmed : Do Government propose for the benefit of the country to make a statement repudiating the allegation made against them and publish that statement in the newspapers ?

The Honourable Sir Basil Blackett : I do not know whether the country would really be greatly benefited by such a statement.

Mr. K. Ahmed : Will the Honourable Member take it from me, a representative of the people of this country, that it will be beneficial. Do Government propose to publish a statement both for their own benefit and for the benefit of the country on a matter like this ?

The Honourable Sir Basil Blackett : I am not sure that I shall personally derive any benefit from it ; but I will consider the matter.

Pandit Motilal Nehru : May I know, Sir, what is the correct version of the facts mentioned in the report just read out by my friend, Mr. Ganga Prasad Singh, and whether it is not a fact that the representative of India declined to enter into an arrangement by which the export of opium could be reduced from time to time ?

The Honourable Sir Basil Blackett : I think it is not a fact that any proposal for the reduction of opium was made on behalf of the British Government.

Pandit Motilal Nehru : Not on behalf of the British Government but on behalf of the Governments concerned, the names of which have just been mentioned by my Honourable friend ?

The Honourable Sir Basil Blackett : That is correct.

Mr. Gaya Prasad Singh : I beg to offer a cutting from the *Amrita Bazar Patrika*, dated the 29th August 1924.

The Honourable Sir Basil Blackett : I believe it was a personal suggestion made by Sir John Jordon. He had no authority to make that statement.

Pandit Shamlal Nehru : May I know if Mr. Campbell has any experience of opium ?

The Honourable Sir Basil Blackett : I am not aware, Sir, that he personally indulges in opium.

Mr. Gaya Prasad Singh : What experience has Mr. Campbell of India ?

Mr. A. Rangaswami Iyengar : May I know whether Government will take immediate steps to correct this wrong impression which has been created on the public ?

The Honourable Sir Basil Blackett : I hope that mention of this in public here will do something to achieve this result.

Mr. A. Rangaswami Iyengar : Would this be cabled out ?

UNINTERRUPTED FLOW OF THE GANGES FROM HARDWAR TO THE SAGOUR ISLANDS.

1690. ***Mr. Gaya Prasad Singh :** (*a*) Will the Government be pleased to state what steps have been taken to secure the uninterrupted flow of the

Ganges from Hardwar to the Sagour Islands ; and have the Government received representations on the subject ?

(*b*) Will the Government be pleased to lay on the table the views of the Government of the United Provinces on the subject, referred to in reply to question No. 28 of the 15th February 1921 in this House ?

The Honourable Mr. A. C. Chatterjee : (*a*) Free openings have been made in the weirs which span the Ganges at Hardwar and Narora, which ensure an uninterrupted flow of water down the river throughout the year; no representation in the matter has recently been received by the Government of India.

(*b*) The views of the Government of the United Provinces are embodied in their resolution No. 1741-IW|IB-2-W-9N, dated the 22nd August 1923, which was published in the Local Government's Gazette dated the 25th August 1923, a copy of which is laid on the table.

No. 1741-I.W.|1B-2W-9N.
RESOLUTION.

IRRIGATION BRANCH.

Dated Naini Tal, the 22nd August, 1923.

IN 1916, in deference to Hindu religious sentiment, a two-feet notch was made in the weir across the Ganges river at Narora in order to give a free flow of water down the river at all times of the year. As experience had shown the danger of cutting into weir, it was decided to keep the sill of the notch only one foot below the crest of the weir ; and in normal years the volume of water passing through the notch is 40 cusecs up to the end of November, gradually dropping to ten cusecs by the end of December and to four cusecs by the middle of January. It remains at four cusecs from the middle of January till the end of April, when it begins to increase with the advent of the snow water, and reaches its maximum of 40 cusecs by the middle of May.

2. In 1920 the Sri Bharat Dharma Mahamandal and the All-India Hindu Sabha submitted through this Government memorials addressed to His Excellency the Viceroy and Governor General of India. The memorialists urged that the two-feet notch was not sufficient to meet the requirements of Hindu sentiment, that the sacred stream of the Ganges should flow in its natural course from its source to its mouth, and prayed that an opening be made in the weir down to the river bed so as to increase the volume of water to a minimum of 600 cusecs at all times of the year. Sir Harcourt Butler's Government thought it advisable, before coming to any decision on these memorials, to ascertain the views of the Legislative Council, and the non-official members of that body were therefore asked to appoint a committee to consider the questions involved, and to give their opinions thereon. The Committee so appointed submitted its report in May 1922. They found that the two-feet notch was not by itself sufficient to maintain a running stream at all times of the year, and that when the river is very low it would not maintain any stream at all ; and they recommended that a minimum flow of 300 cusecs should be allowed at Narora.

3. The report of the Committee was published with resolution No. 1677|III—677, dated the 12th October, 1922, for the purpose of eliciting public opinion on the important proposals contained therein. Altogether 431 opinions have been received. Of these, 81 (principally from Hindu religious societies) support the Committee's recommendations ; whilst 350, submitted by zamindars and cultivators belonging for the most part to the Hindu community,—are definitely opposed thereto. One of the latter opinions is signed by over 18,000 persons, residents of 180 villages and including many Hindu *rajes*, and urges that all that is necessary is that an extra supply of water should be passed down on the occasions of the principal Hindu bathing festivals.

Vide page 29 of Legislative Assembly Debates, Vol. I.

4. The Governor in Council has given careful consideration to the recommendations of the Committee. He realises and respects the strength of the religious sentiment, which has inspired the demand for a free flow of water down the sacred river at all times of the year; he is anxious to meet this demand to the fullest extent possible; and he agrees with the Committee that it is not adequately met by the existing notch at Narora. But for the reasons indicated below, he is convinced that it is neither necessary nor desirable that a minimum uncontrolled supply of 300 cusecs should be provided throughout the year.

(1) In making their recommendation, the Committee seem to have been largely influenced by the belief that as regards the supply of water for irrigation the period of difficulty is "limited from about the middle of March to the middle of May." The grounds for this belief are not clearly stated in the report, and in any case the facts are quite otherwise. The average monthly supplies of the Ganges river in the ten years ending 1920 were as follows:

November.	*December.*	*January.*	*February.*	*March.*	*April.*	*May.*
Cusecs.	Cusecs.	Cusecs.	Cusecs.	Cusecs.	Cusecs.	Cusecs.
15,700	10,400	8,400	8,500	9,500	11,300	18,800

As this table shows, the supply of water in the river diminishes rapidly with the close of the monsoon, and generally becomes insufficient to meet the needs of the canal by the beginning of December.

The supply continues to fall throughout the period December to April, when with the melting of the snows it commences to increase and continues to increase as the weather becomes hotter. The real period of difficulty is thus not that between the 15th March and 15th May, but that between the 15th December and 15th March. Since this latter period includes the greater part of the *rabi* season, it follows that, even were the amount of water allowed to pass restricted to 300 cusecs, the loss entailed by the adoption of the Committee's proposal would be far greater than doubtless they supposed. But, in fact, owing to the varying water levels at the weir, if a minimum flow of 300 cusecs were to be maintained, the average volume of water passing during the period in question would be much greater than 300 cusecs. The loss in revenue alone would amount to about two lakhs of rupees per annum, and it is unnecessary to emphasise the effect of this reduction on the provincial finances. But a still more serious consideration is the damage which would be inflicted on the cultivators of the areas affected. From 30,000 to 40,000 acres of *rabi* and from 15,000 to 20,000 acres of early *kharif* would be deprived of canal irrigation. As the Committee justly observe "the lower Ganges Canal has been running ever since its opening in 1878, and in the areas through which it passes conditions have been created which cannot be entirely ignored. The owners and tillers of the soil fertilised by the canal water have acquired rights and privileges and have accepted liabilities which should not easily be disturbed."

(2) The main reason however, which led the Committee to recommend a discharge of 300 cusecs was the small depth of water which they found at Ramghat, a bathing place five miles down the river from Narora. It is necessary, therefore, to point out that a discharge of 300 cusecs or even of 600 cusecs at Narora would not guarantee a supply of water of sufficient depth for bathing at Ramghat. Much of the existing supply at Ramghat comes by percolation, and a supply of water sufficient for bathing purposes could be ensured only by training the river into a definite channel at that place. This, however, is not practicable because a flood of water might at any time come down when the canal is closed on account of the winter rains. Moreover, Ramghat has to a great extent been abandoned as a bathing place in favour of Rajghat, which is conveniently situated on the railway and is above Narora.

3. In order to ensure the flow recommended by them, the Committee propose that:

(*a*) the two-feet notch should be closed,

(*b*) the cross-walls of the fish ladder should be removed, and the first under-wall in the fish ladder lowered as far as possible to allow a deeper sheet of water to pass through it than is at present possible;

(*c*) the stone grooves for planking the fish ladder should be permanently closed;

(*d*) the ten-feet wide opening thus secured should form the passage for the unobstructed and continuous flow of the sacred stream and should be named the "Ramdhara," and

(*c*) since the Ramdhara could not discharge 300 cusecs at all times of the year, vent No. 23 should be altered so as to take the shape of the letter V and be used for a supplementary discharge of uninterrupted Ganges water to supply the balance required.

These proposals raise difficulties which do not seem to have been brought to the notice of the Committee. On the one hand the alteration of vent No. 23 would often result in more water being discharged than the Committee themselves recommend; on the other hand, if the whole supply were to be passed through the fish ladder, as was suggested as an alternative, it would be necessary, owing to the varying conditions of water levels of the weir, to lower the crest of the weir to an extent which would seriously endanger its safety.

5. For these reasons the Governor in Council has come to the conclusion that it is not practicable to give effect in their entirety to the recommendations of the Committee. Fortunately, however, the choice does not lie between the adoption of their proposals and the maintenance of the existing arrangements. The Governor in Council is indebted to Mr. Jwala Prasad, Superintending Engineer, for an alternative scheme, which avoids or minimises the difficulties inherent in that of the Committee, will secure the principal object which they had in view, and should satisfy all reasonable Hindu opinion. The main features of this scheme which the Governor in Council has approved, are as follows:

(*a*) A minimum perpetual supply of 150 cusecs will be provided throughout the year; of this at least 80 cusecs will be passed through an unfettered and free opening over the existing fish ladder, the grooves of which will be entirely closed to prevent any possibility of planking, and the balance will be passed through the sluices.

(*b*) A minimum supply of 300 cusecs will be maintained from the 15th March to the 15th December.

(*c*) A minimum supply of 600 cusecs will be maintained on Puranmashi days and on the occasions of any other festivals for which this increased supply may be found to be necessary.

(*d*) A minimum discharge of 1,000 cusecs will be passed for three days at the Kartiki-Puranmashi and for one day at the Somwati-Amawas.

An uncontrolled flow of water will thus be secured at all seasons of the year, and ample supplies will be provided on the occasions of all important bathing festivals. The loss to the State and to the cultivators concerned, though less than the proposals of the Committee would have entailed, will be undoubtedly heavy. The State will lose about 1½ lakhs in revenue and the cultivators will lose about 12 lakhs.

The Governor in Council cannot regard these results with equanimity; the province can ill afford any curtailment of its slender revenues: and the deprivation or reduction of canal water will bring hardship to many cultivators. He is willing however to accept them as the price of the settlement of a difficult problem, and in the confident hope that the Hindu community will recognise that by the concessions now announced the claims of religious sentiment have been generously met.

By order,

(Sd.) A. C. LAURIE,

Joint Secretary to Govt., United Provinces.

Mr. Gaya Prasad Singh: Will the Government be pleased to ascertain from the Government of the United Provinces whether sullage is still allowed to flow into the Ganges at Hardwar and what progress has been made with the Hardwar drainage scheme?

The Honourable Mr. A. C. Chatterjee: I have no reason to suppose that sullage is still allowed to flow into the river and I do not propose to make any inquiry.

Mr. Gaya Prasad Singh: In this connection I beg to refer my Honourable friend to a cutting from the *Amrita Bazar Patrika*, dated 29th June 1924, in which, Sir, there is a letter from the Secretary,

Hindu Maha Sabha to the Secretary, Municipal Board, Hardwar Union. That letter reads as follows :

"Would you please let me know what progress, if any, the Hardwar Drainage Scheme has made up to now ? Complaints regarding the flow of sullage into Shri Ganga Ji continue as before and naturally the public are anxious to know when this injurious as well as sacrilegious practice would come to an end."

This is the letter to which I have referred, and I can hand over a copy of it to my Honourable friend.

The Honourable Mr. A. C. Chatterjee : I have no doubt that the United Provinces Government would have inquired into this matter if there were any definite complaints.

Mr. Gaya Prasad Singh : Will the Honourable Member satisfy himself and satisfy the House whether such an inquiry has been made or not ?

The Honourable Mr. A. C. Chatterjee : The residents of Hardwar can have questions put in the United Provinces Legislative Council.

Mr. Gaya Prasad Singh : Are Government aware that Hardwar is a very important religious centre which is visited by a large number of pilgrims from all parts of India who are interested in this matter, as their health is exposed to the risks of epidemics ?

LOCATION OF BRITISH TROOPS AT MUZAFFARPUR.

1691. *Mr. Gaya Prasad Singh : (*a*) With reference to my starred question No. 31 of the 1st February 1924, regarding the location of a detachment of British troops in Muzaffarpur, has the attention of the Government been drawn to the following reply given in the Bihar and Orissa Legislative Council on the 25th July 1921 :

"It moved to Muzaffarpur about 26th February, and returned to Dinapur on 9th March. The move was made by order of the Military authorities to relieve a temporary congestion at Dinapur, where for a short period there were two battalions simultaneously. The Local Government had nothing to do with the move" ?

(*b*) Will Government kindly state on what other occasions prior to February 1921 such a move was made to relieve any temporary congestion at Dinapur ?

(*c*) Will the Government be pleased to lay all papers in this connection on the table ? And if not, why not ?

Mr. E. Burdon : (*a*) Yes. This referred to a *temporary and casual* move of a detachment of British troops to Muzaffarpur.

(*b*) So far as the Government of India are aware, no such move was made prior to February 1921 to relieve any temporary congestion at Dinapore.

(*c*) Government are not prepared to lay on the table the papers in question as they are of a confidential nature and are not suitable for publication.

Mr. Gaya Prasad Singh : Why are the Government not in a position to lay the papers on the table ? Is it because they will drag the skeleton out of the cupboard ?

LOCATION OF BRITISH TROOPS AT MUZAFFARPUR.

1692. *Mr. Gaya Prasad Singh : (*a*) Has the attention of the Government been drawn to the following reply given in the Bihar and Orissa Legislative Council on the 24th January 1922 on the subject of the location of troops in Muzaffarpur :

" One Company of British troops has been sent to Muzaffarpur. They have been sent with the knowledge and approval of Government. Government are not aware that any panic has been caused by the presence of the troops, and they do not propose to withdraw them " ?

(*b*) Is it not a fact that in reply to my starred questions Nos. 31 and 33 of the 1st February 1924, the Government stated that the troops were first despatched to Muzaffarpur " at the request of Lord Sinha's Government," and also that " the Government of India complied with the request made by the Local Government " in this matter ?

(*c*) In view of the statements made in the Bihar and Orissa Legislative Council, and the reply given in the Assembly, to which reference has been made, will the Government definitely state which authority is responsible for the location of troops in Muzaffarpur ?

(*d*) Is it not a fact that the decision to locate troops in Muzaffarpur was arrived at during the ill-health of Lord Sinha, who was then the Governor of Bihar and Orissa, and behind his back, in concert with a few indigo planters ?

(*e*) Are the Government prepared to give reasons for their refusing to publish all papers on this subject, and treating them as confidential ?

Mr. E. Burdon : (*a*) Yes. This, as is obvious from the date and terms of the reply, referred to another occasion, namely, the *permanent location* of a company of British Infantry at Muzaffarpur.

(*b*) Yes. This reply referred to the troops which are permanently stationed at Muzaffarpur.

(*c*) The Government of India are responsible for the permanent location of troops at Muzaffarpur. In arriving at a decision, they were guided by the views of the Local Government.

(*d*) The Honourable Member's attention is invited to the reply given by me on the 1st March 1924 to his starred question No. 537.

(*e*) Government do not consider it would be in the public interest to make public the correspondence of the subject.

Mr. Gaya Prasad Singh : I have got many supplementary questions. Are Government aware, Sir, that in reply to a question on this subject in the Bihar and Orissa Legislative Council on the 19th August 1924 (an official copy of which I hold in my hand) the Local Government stated that : 12 Noon.

" The question of locating troops at Muzaffarpur was under consideration between the Local Government and the military authorities for several months before Lord Sinha resigned. A decision was arrived at sometime after his resignation."

In reply to my question on the 1st of February 1924, the Government in this House stated that the troops were moved " at the request of Lord Sinha's Government ". Again, on the 1st of March 1924 when I asked another question on the same subject, the reply given was :

" There is nothing in the records of the Government of India to show whether the application for troops made by the Government of Bihar and Orissa was or was not the personal decision of Lord Sinha."

The two statements appear contradictory. Will the Government please state which is the correct statement ?

Mr. E. Burdon : There is no conflict between the two statements.

Mr. Gaya Prasad Singh : The Local Government state that the decision to locate troops was arrived at shortly after Lord Sinha's resignation.

Mr. E. Burdon : The troops which afterwards were permanently located at Muzaffarpur were first sent while His Excellency Lord Sinha was Governor of Bihar and Orissa.

Mr. Gaya Prasad Singh : Who was responsible ?

Mr. E. Burdon : I have just answered that question.

Mr. Gaya Prasad Singh : I want to know the name of the Governor who was at the head of the Province, when the decision was arrived at.

Mr. E. Burdon : I have told the Honourable Member in answer to previous questions that the Government of India deal with Governments and not with Governors, and they base their decisions on the recommendations of Local Governments and not on the personal opinions of Governors.

Mr. Gaya Prasad Singh : Are Government aware that since the location of troops at Muzaffarpur not a single occasion arose on which the troops were called out ?

Mr. E. Burdon : I do not know whether that is a fact. If it is, the result is very satisfactory !

Mr. Gaya Prasad Singh : That was the information given in the Bihar and Orissa Legislative Council in August last.

FRACAS BETWEEN SOLDIERS AND THE INHABITANTS OF MUZAFFARPUR.

1693. *Mr. Gaya Prasad Singh : (*a*) Will the Government kindly state the result of inquiry into the fracas that occurred in Muzaffarpur on the 2nd November 1923 between some soldiers and a few inhabitants, and admitted by the Government in the Assembly on the 1st February 1924 and 1st March 1924 ?

(*b*) What was the nature of the investigation into the occurrence ; and are the Government prepared to place all the papers on the table in this connection ? If not, why not ?

Mr. E. Burdon : (*a*) A case under sections 147 and 325, Indian Penal Code, was instituted, and a counter-case under sections 147 and 304, Indian Penal Code, was made the subject of inquiry by the police. The evidence produced did not justify the prosecution of the accused in either case.

(*b*) Information of the occurrence was given to the District Magistrate who at once visited the spot. The town inspector of police, under his orders, commenced the investigation, which was continued by the Superintendent of Police under the supervision of the Deputy Inspector General of Police. Government are not prepared to place the correspondence on the table as it is of a confidential nature.

Mr. Gaya Prasad Singh : Is it not a fact that in reply to a question of mine on the 1st February 1924, Government stated that there was only

one case of friction, whereas in reply to questions in the Bihar and Orissa Legislative Council on the 20th August 1924, Government stated that there were three cases of friction ?

Mr. E. Burdon : At the time I gave the answer to the question the Government of India had only received a report of one case of friction.

Mr. Gaya Prasad Singh : Will Government call for a report in the other two cases also ?

Mr. E. Burdon: If the Honourable Member will show me the question and answer in the Bihar Legislative Council, I will go into the matter further with him.

Mr. Gaya Prasad Singh : Do the Government propose to pay compensation to the family of the man who lost his life at the hands of the soldiers ?

Mr. E. Burdon : The matter is one for the Local Government. I have no information on the point.

OCCUPATION BY THE MILITARY OF THE CIRCUIT HOUSE AT MUZAFFARPUR.

1694. ***Mr. Gaya Prasad Singh :** (*a*) Is the Circuit House in Muzaffarpur in occupation of the military ? And, if so, how long, and is any rent being paid for their residence ? And, if so, how much ?

(*b*) Is it a fact that owing to the Circuit House in Muzaffarpur being occupied by the military, high officials are put to inconvenience when they have to go out on their inspection tours ?

(*c*) Is it a fact that owing to the Circuit House in Muzaffarpur being occupied by the military, a private bangalow has been rented, and converted into a Circuit House for other officials ? And, if so, since when, and on what rent ?

(*d*) Will the Government kindly state whether the rent of the hired bungalow is paid out of the Civil or the Military estimates ?

Mr. E. Burdon : The Government of India have no information on the subject, but are inquiring. I will let the Honourable Member know the result as soon as possible.

CORRESPONDENCE WITH LOCAL GOVERNMENTS REGARDING THE RECOMMENDATIONS OF THE LEE COMMISSION.

Sardar V. N. Mutalik : With reference to my question No. 1896,† I understand that the Honourable the Home Member is not prepared to answer it to-day ?

The Honourable Sir Alexander Muddiman (Home Member): The main urgency in the Honourable Member's question has already been dealt with as the correspondence was laid‡ at our last meeting in answer to an unstarred question and I will answer the remainder in due course.

† " 1896. *(*a*) Will Government be pleased to place on the table copies of the correspondence between the Central Government and the Local Governments on the recommendations of the Lee Commission, including the views of the Provincial Governments on the recommendations ?

(*b*) Will Government be pleased to state whether any instructions had been issued by the Government to Provincial Governments for obtaining the views of the Provincial Legislatures on the recommendations of the Lee Commission ?

(*c*) Will Government be pleased to place on the table the opinions of the Provincial Legislatures, if any of them have expressed any opinion ? And will Government be pleased to state whether all the Provincial Governments offered any opportunity to the Legislatures to express their views ? "

‡ *Vide* Appendix " A " to these debates.

RULES RELATING TO THE CLASSIFICATION, CONTROL, ETC., OF THE SERVICES IN INDIA.

Mr. A. Rangaswami Iyengar : Will the Government be pleased to state :

(*a*) what were the circumstances that led to the publication for general information of Notification No. F.-472-II-23, in the Gazette of India in June last of the Rules made by the Secretary of State in Council under sub-section (2) of section 96B of the Government of India Act relating to the classification, control of the services in India and the procedure in cases of dismissal, suspension, removal or reduction of officers in the said services ;

(*b*) why these Rules were not published earlier for general information as and when they were framed ;

(*c*) whether all or any of them were laid before both Houses of Parliament in accordance with section 129A of the Government of India Act, and if so, when ;

(*d*) whether the Fundamental Rules made under the same section regulating the conditions of service of the civil services which came into force in 1922 and the several subsequent amendments thereunto have been similarly published for general information and previously laid before Parliament ; if not what the reasons are for not doing so ?

The Honourable Sir Alexander Muddiman: (*a*) and (*b*) . The rules which came into force on dates preceding the 21st June, 1924, were communicated to the Local Governments concerned and to the Departments of the Government of India immediately they were made. It was considered unnecessary to publish them for general information until other connected rules had been sanctioned by the Secretary of State in Council. The rules were published on the 21st June, 1924, because the resolution of the Secretary of State in Council making those portions of the rules which came into effect from the 21st June, 1924, definitely prescribed that they should have effect from the date of publication by the Governor General in Council in the Gazette of India.

(*c*) Section 129A of the Government of India Act applies only to rules under the Act for which no special provision is made as to the authority by whom they are to be made. The rules under part VII-A of the Act are made as indicated in that part by the Secretary of State in Council with the concurrence of the majority of votes at a meeting of the Council of India. That is, the provisions of section 129A have no application to the rules, and the Government of India assume that they have not been laid before the Houses of Parliament.

(*d*) The Fundamental Rules referred to by the Honourable Member were published in the Supplement to the Gazette of India of the 19th November, 1921. They also were made under section 96B of the Act in the manner prescribed in section 96E, and section 129A has no application to them.

Mr. A. Rangaswami Iyengar: May I know, Sir, whether the question as to the rules made by the Secretary of State, having, by section 129A, to be laid before the Houses of Parliament, is not a matter which this Government will refer to the Secretary of State for his opinion ?

The Honourable Sir Alexander Muddiman: I am satisfied with the opinion I have given the House.

DIFFERENTIAL TREATMENT OF APPEALS OF MEMBERS OF THE ALL-INDIA AND PROVINCIAL SERVICES.

Mr. A. Rangaswami Iyengar: (*a*) Will the Government be pleased to state the reasons which have induced the Secretary of State to adopt in the enactment of Rules, the differential treatment therein laid down between the All-India and the Provincial Services in respect of their rights of appeal against punitive orders ?

(*b*) Whether any instructions have been issued as to the manner in which the Governor by himself is to sit in appeal over punitive orders made against Provincial Services men made by the Local Government, *i.e.*, either by " the Governor acting with Ministers " or by " the Governor in (Executive) Council ", under Rule XVIII ? If not, in what manner do the Government propose to make this right of appeal a reality ?

(*c*) What is the reason for the provisions in Rules XVII and XVIII to the effect that while an All-India Service man can appeal directly to the Governor General in Council against an order of the Local Government and can appeal again as of right up to the Secretary of State in Council, the Provincial Services man can only appeal from the Local Government (which includes the Governor) to the Governor and thereafter to a very limited extent to the Governor General or the Secretary of State in Council ?

The Honourable Sir Alexander Muddiman: (*a*) and (*c*). The differential treatment between the All-India and the Provincial Services in respect of their rights of appeal to which the Honourable Member refers has been introduced in accordance with the policy underlying the enactment of section 96B of the Government of India Act. In regard to that policy, I would merely refer the Honourable Member to Annexure IV to the report of the Committee on the Division of Functions. The idea in regard to the All-India Services was that the structure of the services, their duties and the general conditions of their employment should remain as far as possible untouched by political changes. The rules therefore purport to be and are merely a re-codification of the existing rules. So far as the Provincial services however are concerned, the intention of the rules was to give the local authorities as complete powers as possible and accordingly to restrict as far as possible the rights of appeal of officers to authorities outside the province in which the officers in question are serving.

(*b*) Under clause VII (4) of the Instrument of Instructions issued to all Governors, they are required to safeguard the members of the services employed in their provinces in the legitimate exercise of their

functions and in the enjoyment of all recognised rights and privileges, and to see that the Local Government orders all things justly and reasonably in their regard. No further instructions have been issued. The intention, however, is that the members of the services who are given a right of appeal to the Governor should have a definite appeal against the order of the Local Government whether it was an order made by the Governor acting with his Ministers or by the Governor in Council.

Mr. A. Rangaswami Iyengar : May I point out that my question has not been answered ? My question was, in what manner do Government expect the Governor, by himself to act in appeal over an order made by him along with his Executive Council or along with his Ministers ?

The Honourable Sir Alexander Muddiman : I have explained it in my answer and it is this. When the Governor hears the appeal in his capacity as Governor he will hear in a semi-judicial manner and will discharge the functions which the Instrument of Instructions direct him to exercise.

Mr. A. Rangaswami Iyengar : That is, he sits in judgment over himself according to the answer just given ?

The Honourable Sir Alexander Muddiman : I take it that the Honourable Member's point is that the Governor may have been a party to the order before, but that will not be his personal order but an order for which the Local Government is responsible.

Mr. A. Rangaswami Iyengar: Would that carry out the principle laid down in the Instrument of Instructions that he will deal justly and fairly with the claims of these people in the Services who are entrusted to his special protection ?

The Honourable Sir Alexander Muddiman : I hope so.

SPECIAL POWERS OF THE GOVERNOR OF MADRAS IN RESPECT OF PATRONAGE, ETC.

Mr. A. Rangaswami Iyengar : With reference to the answer to my unstarred question No. 255, dated the 27th May last, will the Government be pleased to state :

(*a*) What decisions have been come to with reference to the special powers claimed on behalf of the Governor in Madras in respect of patronage and appointments by virtue of the instructions in the Despatches of the Court of Directors in 1846 and 1847 ?

(*b*) Whether the Statutory Rules in the Notification No. F.-472-II.-23 have been communicated to the Government of Madras and are intended to supersede any such pre-existing powers ?

(*c*) Whether the Governors of Provinces have been, in pursuance of the Instrument of Instructions or of other directions from the Government of India or Secretary of State, invested with any special powers of controlling Ministers in the transferred Departments in the exercise of their authority over the officers subordinate to them including normal disciplinary action not of an immediately punitive character ?

(*d*) If so, will the Government be pleased to lay the same on the table ?

The Honourable Sir Alexander Muddiman : (*a*) In a reply which I gave to the Honourable Member's question on the 27th May I stated that complete papers in regard to the despatches of the Court of Directors issued in 1846 and 1847 had been called for from the record room in Calcutta. It was later found that the papers in the record room were not complete, and ultimately the complete despatches were obtained from the Madras Government. The examination of these papers is still proceeding and Government are not yet in a position to make a statement on the subject. It appears possible that they may find it necessary to address Local Governments in the matter.

(*b*) The statutory rules referred to supersede preceding rules dealing with the matters to which they relate.

(*c*) and (*d*). In reply to one of the earlier questions of the Honourable Member I have cited the provisions of the Instrument of Instructions which relate to this matter. They indicate the manner in which the Governor is expected to exercise the powers entrusted to him, and the Governor is, of course, a member of the transferred side of the Government in the same way as he is a member of the reserved side. The main provision regulating the exercise of the authority of a Local Government over officers of the public services is contained in rule 10 of the Devolution Rules. Under that rule, the personal concurrence of the Governor is required before certain orders may be passed to the disadvantage of an officer of an All-India Service or of a Provincial Service and also for the posting of an officer of an All-India Service, and, further, under sub-section (*3*) of section 52 of the Government of India Act, the Governor is given power, if he sees sufficient cause to dissent from the opinion of his Ministers, to require action to be taken otherwise than in accordance with their advice. No other instructions have been issued. Part (*d*) of the question does not, therefore, arise.

DEPUTATION OF SIR BHUPENDRA NATH MITRA TO LONDON IN CONNECTION WITH THE OUTSTANDING CLAIMS IN DISPUTE BETWEEN HIS MAJESTY'S GOVERNMENT AND THE GOVERNMENT OF INDIA.

Mr. A. Rangaswami Iyengar : (*a*) With reference to the outstanding claims in dispute between His Majesty's Government and the Government of India, will Government be pleased to state what steps they are taking to hasten the settlement of these claims ?

(*b*) Will Government be pleased to state if it is a fact that they have decided to depute Sir Bhupendra Nath Mitra to London in this connection ?

(*c*) If the reply to (*b*) be in the affirmative, will Government be pleased to state the powers of Sir Bhupendra Nath Mitra for this purpose, and whether they intend sending any non-official elected Members of the Assembly to go into the question with the help of Sir Bhupendra Nath Mitra for the purpose of report to this Assembly ?

The Honourable Sir Basil Blackett : The Government of India have been in close consultation with the Secretary of State, with a view to expediting a settlement, and Sir Bhupendra Nath Mitra has been deputed to visit England with a view to discussion with the Departments of His Majesty's Government. The answer to the last part of the question is in the negative.

Sir Purshotamdas Thakurdas : Do Government expect to place before this House the result of Sir Bhupendra Nath Mitra's discussions in London regarding the subject matter of this question ?

The Honourable Sir Basil Blackett : I have already stated on previous occasions that the Government will do their best to keep this House in touch with any important developments.

Mr. A. Rangaswami Iyengar : May I know exactly what the powers of Sir Bhupendra Nath Mitra are with reference to the discussions which he is going to have with His Majesty's Government ?

The Honourable Sir Basil Blackett : He is deputed to discuss the matter with the departments of His Majesty's Government. Those are his powers.

Pandit Motilal Nehru : How far will that commit us or the Government of India ?

The Honourable Sir Basil Blackett : He cannot bind the Government of India without the approval of the Government of India ; he has no powers in that sense.

Diwan Bahadur M. Ramachandra Rao : May I ask the Honourable Member whether he is merely an agent of the Government of India, or whether he has any independent powers ? Is he their plenipotentiary ? Has he any final powers ?

The Honourable Sir Basil Blackett : He has no final powers.

Diwan Bahadur M. Ramachandra Rao : It means that on every occasion he has to make a reference to the Government of India before coming to an agreement with His Majesty's Government ?

Mr. A. Rangaswami Iyengar : May I know if, when questions are referred to the Government of India for settlement in respect of these several claims, this House will be informed as and when they occur, so that we may keep in close touch with the exact settlement that has got to be made ?

The Honourable Sir Basil Blackett : With reference to the last question I cannot add anything to the answer which I have already given to Sir Purshotamdas Thakurdas. With regard to the previous question, Sir Bhupendra Nath Mitra's powers are very real powers to discuss. They are not powers to arrive at a settlement without further reference to the Government of India.

Mr. K. Ahmed : Will it be convenient to Government to allow Mr. Rangaswami Iyengar or any other Honourable Member of this Assembly to accompany Sir Bhupendra Nath Mitra and help him or be helped by him, and thus bring relief to the situation ?

Sir Purshotamdas Thakurdas : Are the powers of Sir Bhupendra Nath Mitra to discuss with His Majesty's Government restricted only to questions in dispute so far as the claims are concerned, or do they also extend to the capitation charges which I understand is a question still hanging fire between His Majesty's Government and the Government of India ?

The Honourable Sir Basil Blackett : I hope very much that he would be able to make progress with the latter question as well as with the outstanding questions.

Sir Purshotamdas Thakurdas : May I take it then that Sir Bhupendra Nath Mitra has instructions to examine the question of capitation charges also ?

The Honourable Sir Basil Blackett : Yes.

Sir Purshotamdas Thakurdas : Do the Government of India not think that it would be to the interest both of this House and of themselves if some non-official Members elected by this Assembly were deputed to accompany Sir Bhupendra Nath Mitra in this connection ?

The Honourable Sir Basil Blackett : The answer is in the negative.

Mr. M. A. Jinnah: Do I understand that the powers of Sir Bhupendra Nath Mitra would be to press the conclusions which the Government of India have already arrived at on the subject ? Is that the limitation ?

The Honourable Sir Basil Blackett : That is not a limitation. That is undoubtedly a statement of one part of his errand.

Mr. M. A. Jinnah : What else will he be in a position to do ?

The Honourable Sir Basil Blackett : To endeavour to arrive at a settlement for submission to the Government of India.

Sir Purshotamdas Thakurdas : Is there any constitutional objection to deputing Members from this House to go into the question in order that Government may have very few questions to answer and very few complaints to listen to from this House when the question is finally settled by the Government of India ?

The Honourable Sir Basil Blackett : I think there is a constitutional objection. This House is not the Executive Government.

Sir Purshotamdas Thakurdas : Members of this House need not go with executive powers, but only to examine and satisfy this House that the settlement arrived at is the proper settlement.

The Honourable Sir Basil Blackett : I am content to let the Honourable Member have the last word.

Sir Purshotamdas Thakurdas : Then I am afraid the inference is the Honourable Member has no reply to my question.

Sardar V. N. Mutalik : Is there anything in the constitution which prevents Government from doing this ?

The Honourable Sir Basil Blackett : In any well arranged constitution the Executive Government does the executive work and it is not done by Parliament.

Sardar V. N. Mutalik : Is it not the practice to take up some Members of this House in an executive capacity ?

The Honourable Sir Basil Blackett : I think this is a question of which notice had better be given.

UNSTARRED QUESTIONS AND ANSWERS.

EXPENDITURE BY GOVERNMENT IN CONNECTION WITH THE O'DWYER-NAIR LIBEL SUIT.

347. **Mr. T. C. Goswami :** (*a*) Was any money spent by the Government in connexion with the O'Dwyer-Nair libel suit, which has recently

been disposed of by Mr. Justice McCardie at Westminster,—namely, for securing evidence, etc. ?

(*b*) If so, what is the total amount so spent ?

The Honourable Sir Alexander Muddiman : The Honourable Member is referred to paragraph 3 of my statement made in reply to starred question No. 1675 and other questions bearing on the same subject.

THE O'DWYER-NAIR LIBEL SUIT.

348. **Mr. T. C. Goswami :** (*a*) What steps do Government propose to take to contradict Mr. Justice McCardie's *obiter dicta* regarding Government's unjust treatment of General Dyer and to uphold their position in 1920 in the matter of General Dyer's responsibility in Amritsar ?

(*b*) Has Government's attention been drawn to the following passage appearing in the " Statesman " (Dak edition, dated 24th July), under the heading " Indian Affairs in London ", from the London Correspondent of the paper, regarding Mr. Justice McCardie's *obiter dicta* in the O'Dwyer-Nair libel suit ?—

> " *From an additional reply given by the Under-Secretary of State it appears that the Government of India is to be given an opportunity of making any statement it may think relevant and called for on perusal of the judge's full judgment in the case.* If Lord Reading and his advisers intend to take advantage of the opportunity thus afforded them, it is hoped here that they will do so quickly and allow oblivion to overtake the discussion."

The Honourable Sir Alexander Muddiman : The Honourable Member is referred to the reply I gave to Mr. C. S. Ranga Iyer's starred question No. 1682.

SIR SANKARAN NAIR AND THE ROUND TABLE CONFERENCE OF 1922.

Mr. C. S. Ranga Iyer : I take it that my friend the Honourable Diwan Bahadur Rangachariar stood up in this House to put a question to me more in affection for an old comrade than to know the source of my information. I take it also that he was present in England, but I do not know if he was present in Justice McCardie's Court from day to day. In either case he has not told us whether he has got a message for this House from my old fellow countryman, Sir Sankaran Nair. I am not concerned here with Sir Sankaran Nair's second thoughts, with what he may have communicated to Diwan Bahadur Rangachariar, but my question was based on Sir Sankaran Nair's reported statement in Justice McCardie's Court, and, until the Diwan Bahadur is prepared to prove to the contrary, I must stand by it and with due respect to you, Sir, I think there was every " desirability " in view of that statement to put this question in the House.

Diwan Bahadur T. Rangachariar : The question about which I asked Mr. Ranga Iyer on what authority he based that question was No. 1683, that is, whether the Government asked Sir Sankaran Nair to preside over what is known as the Round Table Conference early in 1922. It was in connection with that question, I asked, on what information he based that statement. If Sir Sankaran Nair admitted this, I was not aware of it and

I apologise for having raised the question, but, if Sir Sankaran Nair has not admitted it, I still persist in asking whether it is right that we should impute to a public man conduct of that sort without informaion being available.

Mr. C. S. Ranga Iyer : My statement related to the very same question that the Diwan Bahadur just read out, 1683, and Sir Sankaran Nair, to the best of my information, made that statement in Justice McCardie's Court and, so long as the Diwan Bahadur is not able to prove to the contrary, I stand by that statement and I have nothing more to add than that I accept the Diwan Bahadur's apology until he has proved to the contrary. If he proves to the contrary, I am prepared to apologise.

Pandit Madan Mohan Malaviya : I know that Sir Sankaran Nair was not asked by the Government to preside over that Conference. It was on my invitation and that of some friends who were organising the Conference that he agreed to preside over the Conference.

Mr. C. S. Ranga Iyer : What I am concerned with is Sir Sankaran Nair's own statement.

STATEMENT LAID ON THE TABLE.

Mr. J. W. Bhore (Secretary, Department of Education, Health and Lands) : I lay on the table the information promised in reply to questions Nos. 1373, 1374 and 1375 by Mr. Gaya Prasad Singh asked on the 9th June 1924, regarding the Emigration Depôt at Benares.

Statement No. 1 showing the names and other particulars of the Recruiting Agents employed for the Emigration Depôt at Benares.

Copy of the notes recorded by visitors in the Inspection Book maintained at Benares Emigration Depôt.

Statement No. 2 showing the number of emigrants recruited by the Emigration Depôt at Benares for despatch to Mauritius.

EXPLANATORY NOTE.

Statement No. 1.—The heading of column 7, namely "Number of emigrants required to recruit under the license" shows the maximum number of emigrants which the Emigration Agent concerned was authorised to recruit under his license.

None of the Agents mentioned in the statement acted as Emigration Agents in indenture labour days. They received fixed salaries.

Statement No. 2.—The total number of adult male labourers to be recruited by the Emigration Commissioner for Mauritius within the period 31st May 1923 to 30th May 1924 was limited to 1,500. Out of this 303 were recruited by the Emigration Depôt at Benares only.

Visitors Book.—In his remarks, dated the 29th October 1923, Mr. Krishna Kumar stated that he was informed by the Emigration Commissioner that the rule of one single man to every five did not apply in the case of sweepers. No such exemption was sanctioned by the Government of India. His statement dated the 20th November 1923, that the orders of the Government of India were to send 1,500 families and 168 sweepers is incorrect.

List of Recruiting Agents in the districts whence emigrants for Mauritius were brought and accommodated in the Benares Depôt established under rule 18 of the rules made under the Emigration Act for despatch to Port of Embarkation at Calcutta.

Name of Agents.	Residence.	Qualifications and Antecedents.	District in which authorised to recruit.	Pay.	M. A. and T. A.	No. of emigrants required to recruit under license.	Number actually recruited.	Remarks.
Harnam Singh.	V. Churhi Tahsil Jagraon Dist. Ludhiana.	A literate military retired Havildar directly selected by Sir Walter Hon'ble Colonial Secretary.	Delhi	45	Re. 1 p. d. Nil Ry. fare.	500	123	Held licence for Benares also.
Jamil Khan	Nadma Sarai Tahsil Ghasi Dist. Azamgarh.	Personally known to the Colonial Secretary of Mauritius who directly selected him for the post, an Urdu-knowing man of respectability and good character.	Do.	Do.	Do.	Do.	121	Held licence for Meerut, Benares and Azamgarh.
Fida Ali	Mohalla Pirzada, Amroha Dist. Moradabad.	Knows Urdu and some English. Character and respectability certified by two Hony. Magistrates of Amroha, Dist. Moradabad, the place of his residence.	Do.	40	Do.	200	28	
Allay Ahmed.	Do.	An Urdu-knowing man. Certified to be a man of respectability and good character by two Hony. Magistrates of Amroha, Dist. Moradabad, the place of his residence and recommended by the Tahsildar of Delhi for appointment.	Do.	Do.	Do.	Do.	4	
Abdul Rahman.	Benares city	Produced certificate of respectability and good character but on being found unsatisfactory he was made to resign after a few days.	Benares	30	Do.	500	Nil	Resigned.
Raja Singh	Chinagaon Thana Barhi Dist. Arroh.	A military Havildar with knowledge of Hindi, possesses good testimonials from the military officers personally known to the Collector of Benares.	Do.	Do.	Do.	Do.	8	
Abdul Majid	Mistr Bazar Ghazipur.	English-knowing hand was an extra clerk in Opium Department. Certified to be a man of respectability and good character after enquiry by the Collector of Ghazipur.	Ghazipur.	35	Do.	Do.	Do.	
Mohd. Shafi	Shadiabad Tahsil Ghazipur.	A Zamindar of Ghazipur Dist. with knowledge of Urdu. Respectability and good character certified by the Tahsildar of Ghazipur.	Do.	30	Do.	Do.	1	
Sh. Mazhar Hussain.	Rajdepur Katwali Ghazipur.	A Zamindar of Ghazipur, knows Urdu. Certified to be a man of respectability and good character by the Tahsildar of Ghazipur.	Do.	Do.	Do.	Do.	..	
Ibrahim Khan.	Basnipur Katwali Ballia.	Knows Urdu and Hindi. Respectability and good character certified by the local police.	Ballia	Do.	Do.	Do.	..	Retired after a short time owing to illness. Nil.
Hira Tewari	V. Dinjanpur Tahsil & District Ballia.	Retired military Havildar with knowledge of Hindi. Did excellent work in supplying recruits during the war and was awarded several medals. Strongly recommended by the Tahsildar of Ballia who certified him to belong to a good family and to bear a very good character.	Do.	Do.	Do.	Do.	..	

Name of Agents.	Residence.	Qualifications and Antecedents.	District in which authorised to recruit.	Pay.	M. A. and T. A.	No. of emigrants required to recruit under licence.	Number actually recruited.	REMARKS.
Dr. Gauhar Ali.	Mohalla Sakleabad Kotwali Ghazipur.	A medical private practitioner. Knows English and Urdu well and certified to be a man of good character and respectability by the local police.	Ballia	35	Re. 1 p. d. *plus* Ry. fare.	500	1	
Subhan Khan	Mianpur Jaunpur.	A Zamindar with previous experience of recruiting, recommended by Collector of Jaunpur as a suitable man for agentship; knows some Urdu.	Jaunpur	30	Do.	Do.	6	
Sayed Zabair Hassan	Kadlipur Deogaon Azamgarh.	Passed Vernacular Final Examination. Studied English up to S. L. Standard. Worked as Hackney Carriage Inspector, Benares Municipal Board. Comes of a respectable Sayed family of Azamgarh. Personally known to Emigration Commissioner.	Do.	45	Do.	Do.	45	Held licence for Benares also.
Barkat Ali .	Mohalla Balwaghat Jaunpur.	An Urdu-knowing man. He did good work in recruitment during the war as remarked by Naib Tahsildar of Jaunpur who was the then recruiting officer of Jaunpur. Respectability and good character certified by Soudri Pd. Hony. Magistrate Khan Bahadur Haider Husain, Chairman Dist. Board, Jaunpur, and others.	Do.	30	Do.	200	5	
Ram Bahal Panday.	V. Nazira Pargana Bhompur Dist. Gorakhpur.	A literate military Jamadar. Recommended by Collector of Gorakhpur as a man of respectability and good character. Has passed Vernacular Final Examination.	Gorakhpur.	Do.	Do.	500	*Nil.*	
Mahanand Lal.	V. Kartiha Pargana Rari, Jaunpur.	Knows Urdu and Hindi, respectability and character certified by Khan Sahib Shaikh Mohammad Musanna, Deputy Collector, Gorakhpur.	Do.	30	Do.	500	*Nil*	Dismissed for misconduct.
Jagannath	V. Barhi P. O. Barhi District Gorakhpur.	English knowing military Jamadar of respectability and good character. Recommended by Collector of Gorakhpur.	Do.	35	Do.	Do.	21	
Mohammad Qasim.	Mian Bazar Gorakhpur.	English-knowing man, worked in military department as soldier clerk. Also recommended by Personal Assistant to Collector of Gorakhpur.	Do.	30	Do.	Do.	..	
Surmier Singh.	Paeea Bazar Basti.	A Chhatri of strong good character and respectability as recommended by the Honorary Magistrate of Basti, Has some recruiting experience.	Basti	35	Do.	Do.	6	Held licence for Gonda also.
Jafar Khan	Mauza Sauharna, Dist. Basti.	English-knowing man. Respectability and good character certified by Tahsildar of Basti.	Do.	Do.	Do.	Do.	3	
Ram Lal Asray.	V. Thanakhas Tahsil Harriya, Basti.	Knows Urdu and Hindi. Certified to be a man of respectability and good character on inquiry by local officers.	Basti	35	Do.	500	16	Held licence for Gonda also.

Name of Agents.	Residence.	Qualifications and Antecedents.	District in which authorised to recruit.	Pay.	M. A. and T. A.	No. of emigrants required to recruit under license.	Number actually recruited.	Remarks.
M. Imam Ali	V. and Tahsil Harriya, Dist. Basti.	A Punjabi Mohammadan with knowledge of English. Certified to be a man of respectability and good character by C. B. Rai, Dy. Collector, Basti, and Tahsildar, Basti.	Basti	30	Re. 1 p.d. p/as Railway fare.	300	26	Held licence for Gorakhpur also.
Mohd. Yusuf	Kotwali Azamgarh.	An English-knowing man with antecedents. Certified by Tahsildar of Azamgarh; has some previous recruiting experience.	Azamgarh.	Do.	Do.	500	Nil.	
Sayed Abu Jafar.	Mahul Azamgarh.	An influential jagirdar of Mahul Estate. Personally known to Collector of Azamgarh. Did excellent work in Aman Sabha; has passed vernacular final examination.	Do.	45	Do.	Do.	3	
Mohd. Yaqub Ali.	V. Kand P. O. Suwaipore Dist. Hamirpur.	Knows Urdu, worked as Manager Singer Sewing Co., character and respectability certified by the Tahsildar, Karwi.	Banda	35	Do.	200	..	Held licence for Hamirpur also
M. Latafat Hussain.	Nawab's Baradari, Banda.	Knows Urdu, recommended by Mirza Mohd. Hassan, Dy. Collector, Banda. Certified by him to belong to a respectable family and to bear a good character.	Do.	Do.	Do.	Do.	..	
Manzur Hussain.	Mohalla Katia Benares city.	Studied up to Matriculation. Worked as a copyist in Civil Court, Banda. Certified to be a man of good character and respectability by Tahsildar of Karvi.	Do.	Do.	Do.	Do.	..	
Noor Ahmad	Mohalla Alighaie, Jhansi.	Knows good English and Urdu, related to Ali Ahmed retired Police Court Inspector; has been loyal to Govt. during recent disturbances at Jhansi Respectability and good character certified by local Hony. Magistrate.	Jhansi	Do.	Do.	200	Nil.	
M. Muhammad Alum	Mohalla Moghalpura Fyzabad.	Knows English and Urdu very well. Belongs to Royal Moghal family. Certified by Mr. Hopkinson, I.C.S., Joint Magistrate of Fyzabad, as having come of a respectable family and to bear a good character.	Fyzabad.	Do.	Do.	500	16	
Mohammad Hafiz.	Mohalla Subzimandi, Fyzabad.	A Vernacular-knowing man with some previous experience of recruitment. Recommended by Mr. Jafri, Deputy Magistrate, Fyzabad, and Commandant, Fyzabad Regiment. Character, respectability and suitability certified by the above Deputy Collector, Govt. Pleader and other citizens.	Do.	Do	Do.	Do.	2	

Name of Agents.	Residence.	Qualifications and Antecedents.	District in which authorised to recruit.	Pay.	M. A. and T. A.	No. of emigrants required to recruit under licenses.	Number actually recruited.	Remarks.
Hari Das Bannerji.	Mohalla Rakabganj Fyzabad.	Nominated and recommended by Collector of Sultanpur, a well connected Bengali young man with very good knowledge of English.	Fyzabad.	45	Re. 1 p. d. *plus* Ry. fare.	250	..	Held licence for Sultanpur also.
Shaikh Sabir Ali.	Mohalla Taksal Fyzabad.	An Urdu-knowing man. Certified to be a man of good character and respectability by Govt. Pleader and other citizens of Fyzabad and was appointed after the Dist. Officer was satisfied of his siutability.	Do.	35	Do.	200	4	
Kunwar Bahadur.	Mohalla Chaoni Bahraich.	Nominated and recommended by Deputy Commissioner, Bahraich, as suitable men for agentship. Know English and Urdu well.	Bahraraict	Do.	Do.	Do	10	
M. Asghar Ali.	Do.	Ditto. ditto.	Do.	Do.	Do.	Do.	6	
Abdul Aziz	Maharajganj Gonda.	Nominated for appointment by Dy. Commissioner of Gonda after holding an inquiry into his antecedents through Tahsildar and Superintendent of Police, Gonda. Knows Urdu and has experience of recruitment having been a sub-agent in 1913 at Gonda.	Gonda	40	Do.	Do	26	
Thakur Laraj Pal Singh.	V. Kulhipur P. O. Chitpalgarh, Dist. Partabgarh.	Nominated and recommended by Deputy Commissioner, Partabgarh, as belonging to a respectable family and to bear a good character. A local Zamindar with knowledge of English and Hindi. He worked very well as Aman Sabha lecturer in Partabgarh District.	Partabgarh.	35	Do.	Do.	*Nil.*	
Babu Ram .	Mohalla Bannitola Fatehpur town Barabanki.	Nominated by Tehsildar of Fatehpur, Dist. Barabanki, for appointment. Certified to be a man of good character and respectability by the aforesaid Tahsildar and Shaikh Bagur Husain, Hony. Magistrate. Knows Urdu only.	Barabanki	Do.	Do.	Do.	*Nil.*	
Sayed Amjad Hussain.	Naka Hin Lala Lucknow.	An Urdu-knowing Sayed of Lucknow. Certified to be a man of good character, respectability and suitability by M. A. Majid, Deputy Collector, Lucknow.	Lucknow.	35	Do.	200	13	
Umrao Khan.	Patanala Lucknow.	Possesses good certificates of supplying recruits during war and personally known to Deputy Commissioner, Lucknow. Knows Urdu.	Lucknow.	Do.	Do.	Do.	17	
Ahmed Hasan.	Mohalla Aoab Kalan Delhi.	An Urdu-knowing man appointed on the recommendation of Tahsildar, Delhi, who certified his good character and respectablity.	Delhi.	Do.	Do.	Do.	*Nil.*	

Statement No. 2 showing the number of Emigrants recruited by Emigration Depot, Benares, for despatch to Mauritius.

MALES.			FEMALES.			TOTAL.				REMARKS
Married men accompanied by their families.	Single men both married and unmarried.	Unmarried boys (dependants).	Married women.	Unmarried women.	Unmarried girls (dependants).	Men.	Women.	Children.	Total.	
1	2	3	4	5	6	7	8	9	10	11
114	189*	67	111	*Nil.*	38	303	111	105	519	Column No. 1 includes two aged parents. Column No. 2 includes :— (*a*) 122 sweepers recruited under special orders. (*b*) 22 men discharged at Benares Depot for being single as the recruitment of single men was totally stopped since about the end of January 1924 on Govt. of India's refusal to raise the ratio of single men required by rule No. 23 of the Emigration Act—*vide* telegram dated 21st January 1924.

* There being no column in any of the prescribed registers, married and unmarried persons could not be sorted separately.

(Sd.) GADA HUSAN,
Emigration Commissioner,
Benares Depôt.

In pursuance of rule 18 of the Emigration Rules, 1923, made by the Governor General in Council, I inspected the place of accommodation for intending emigrants proposed by the Emigration Commissioner and found the situation suitable for the purpose in every respect.

J. H. DARWIN,
District Magistrate.

BENARES ;
The 3rd August 1923.

In pursuance of rule 20 of the Emigration Rules, 1923, made by the Governor General in Council, I appoint Khan Bhadur Moulvi Maqbul Alam, Pleader, and Babu Mala Pershad, Honorary Magistrate, as members of the visting committee who will inspect the Depôt for Emigration to Mauritius at an interval of 2 months.

M. Sheo Mohal Lall, Deputy Magistrate, Benares, will visit and inspect the Depôt at least once in a month.

J. H. DARWIN,
District Magistrate.

BENARES ;
The 9th August 1923.

I went round the place to-day with Khan Sahib Munshi Gada Husen. Arrangements for recruiting are in progress. Only one male cooly has so far been secured. The recruiting of families is presenting difficulties, but they will gradually be overcome.

Sheds have been put up for accommodation of emigrants. Latrines for males and females separately are in course of construction. There are temporary structures capable of being taken down and the materials sold after the close of the work.

SHIVA MOHAL LALL,
Deputy Collector.

September 3, 1923.

I paid a visit to the Emigration Depôt to-day. K. S. M. Gada Husain Sahib was away to see the District Magistrate and I was shown round by M. Zahir Husain, an Assistant Clerk.

The tin sheds have been partitioned into compartments of suitable size and the latrines for males and females have been completed.

There were two emigrants one a *Chamar* with his wife and another a Muhammadan single. I had a talk with them and both appeared happy at the prospect of being sent to Mauritius and appeared to understand the terms of their engagements. None had any complaint to make.

I was given to understand that 50 emigrants recruited at Delhi will soon arrive.

SRIKRISHEN KUMAR,
Emigration Magistrate.

The 20th September 1923.

Arrangements must be made at once to clear the latrine drains with water and phenyle used. The shed is not so clean as it ought to be. The *chulhas* must be removed at once from inside to the proper place pointed. Lanterns are not fixed at proper places their stands ought to be coal-tarred and fixed at places shown. Tell the house owners' mali to remove at once the manure collected besides the path to the emigrants' shed.

GADA HUSAIN,
Emigration Commissioner.

The 23rd September 1923.

I inspected the Emigration Depôt to-day and found 63 males and five females and children. I asked them for reason of going Mauritius. They answered me that they are going with their own wishes.

MALA PERSHAD,
Member of the Visting Committee.

The 24th September 1923.

I had come to the Depôt for the examination of emigrants under rules 24 and 26 and was asked by the Emigration Commissioner, to have a look round the place.

Accommodation.—There are 5 compartments 17′ × 15′ and one room 20′ × 14′. This gives a superficial area of 1555 sq. ft. I understand orders have been received not to collect more than 100 emigrants at any one time and the accommodation of 15 to 16 sq. ft. per man appears amply sufficient.

I am informed that some emigrants had to be sent back to their homes as they were unwilling to proceed to Mauritius. The sweepers appeared to be under a delusion that they would be able to earn 2¼ a day ordinarily. Perhaps it was explained to them by the recruiter that if they worked extra hours they would be able to earn 1¼ more per diem in addition to their daily wages 1¼ and they took it that 2¼ a day would be earned ordinarily and not in special cases. The Emigration Commissioner had already removed this delusion and though on the first question I put them some said they would get 2¼ a day for their wages on further questioning they all appeared quite prepared to be satisfied with 1¼ a day. By repeated questions I have

satisfied myself that none of the sweepers is dissatisfied with the terms on which he is prepared to migrate. I have satisfied myself also that whatever the misunderstanding what they were actually told was that they would or could earn 1|- per day in addition to 1|4 a day by working extra hours.

No emigrant had any complaint to make.

KRISHN KUMAR,
Emigration Magistrate.

The 3rd October 1923.

Seen note of Magistrate-in-charge of emigration work. The capacity of the Depôt will be considered as sufficient for a maximum of 100 coolies at a time.

J. H. DARWIN,
District Magistrate.

The 4th October 1923.

Inspected. There are 93 men and women. I asked them several times, they are going with their own desires.

One Lachhmi Ray came on the 3rd October 1923 and was registered on the same date. Afterwards on 12th October his uncle came and met him and wanted his discharge. The officer of the Emigration Depôt discharged him at once.

MALA PERSHAD,
Member.

The 15th October 1923.

One Samuel Dayal Christian who was present in Emigration Depôt and want to go in Mauritius and want to go with very gladly. There are very clear place and management of their food, etc., are very nice.

MALA PERSHAD,
Member.

The 15th October 1923.

I visited the Depôt to examine emigrants under rules 24 to 26. I had a talk with some of the emigrants I had passed in my last visit. All are still happily awaiting departure and none had any complaint to make. Some requested that their departure be expedited as they are losing pay every day they are delayed.

I notice that one emigrant No. 61, whom I had passed last time, was afterwards persuaded by his uncle who came to see him not to go and was discharged by the Emigration Commissioner.

S. KRISHN KUMAR,
Emigration Magistrate.

The 15th October 1923.

Visited the Depôt to-day and passed 5 emigrants. A letter has been received from the Protector of Emigrants. The letter is not before me as I am writing this inspection the Emigration Commissioner has taken it to the Collector. I had however read it and it is to the effect that agreements be supplied ; that as laid down in notification No. 282, dated 22nd March 1923, no emigrants shall have entered into an agreement to labour for more than a month. In my opinion that is a condition on which they are engaged ; the condition finds a mention in the memorandum over the signature of Mr. Walter handed over to each emigrant and I have not been able to assist the Emigration Commissioner in coming to a decision as to what other form this agreement could take. However the Emigration Commissioner told me that the Collector has directed that I should certify to this agreement having been made. I therefore drafted a certificate and the Emigration Commissioner has taken it to get it approved by the Collector. I explained individually to each of the 81 emigrants collected before me that they shall not have entered into an agreement to labour for more than one month. Hitherto I have passed 88 emigrants the following 7 were not put up, they having gone out : (1) Tota, (2) Bansi, (3) Piara, (4) Nibal, (5) Taruf, (6) Baroo, (7) Tanwana. These 7 can be sent to my house and after I have explained this condition to them, as I did to the 81 present, I shall sign this certificate in the form approved by the Collector.

I may mention that when the Emigration Commissioner calls the Emigration Magistrate he may very kindly see that all the emigrants intended to be put up before him are so put up and not allowed to go out. This would curtail the number of his visits to the Depôt and enable him to do the work at the Depôt in comparatively less time.

As I was writing the note Emigrant Ram Sarup [illegible] came to me and said he is not willing to go as he left his wife at home.' He should be discharged and sent home.

I am afraid similar difficulties may arise later on with certain other single men who appear keen just now. Of the 88* men passed hitherto only 11 men are with families. Rule 23 lays down that "men who are unmarried or unaccompanied by their wives shall not be assisted to emigrate to any one country in any one year to a number exceeding one in five of the total number of persons so assisted." The Emigration Commissioner cannot of course at this stage of recruitment look to the proportion but the chances are that sufficient men with families may not be forthcoming and the rule may under the proviso to it have to be modified. This time alone will show.

KRISHN KUMAR,
Emigration Magistrate.

The 18th October 1923.

I paid a visit to the Depôt on October 15, and found things in a satisfactory condition ; one emigrant was sick but under medical treatment a doctor was due to appear soon after my visit.

Complaints had been made in the newspapers that coolies were being deceived into consenting but this I found was not the case. I questioned a number of them. They knew the terms and expressed their willingness to emigrate. The Magistrate in charge doing his duty thoroughly.

While I was at the Depôt the relative of one cooly came and wanted the cooly to return to his home. The cooly was reluctant to do so but when the relative insisted, the Commissioner told him he had better go.

There is some agitation outside for permission to enter the premises. I propose to add Rai Bahadur Munshi Ravmandan Pershad, M.L.C., to the members of the Visiting Committee. Apart from that, the members of the Local Board are all authorised to inspect. This would seem to me quite sufficient. The Commissioner has however been kind enough to allow other visitors to come in occasionally. The matter is one which remains in his discretion. He cannot be expected to allow persons with no representative status to enter.

J. H. DARWIN,
Collector.

The 19th October 1923.

I passed 12 more emigrants to-day. I questioned them all one by one to find if any one was a runaway from home after a quarrel with parents or wife but find them all saying that their relatives at home are aware that they are going to Mauritius. Again of the 12 only one is taking his wife with him. But these are sweepers and the rule of one single man to every 5 sent as the Commissioner told me does not apply to sweepers who are to be sent in addition to the numbers of emigrants sanctioned.

Some men of the batches I had passed before the 18th instant had complained to me on 18th that they were not given the clothing they were promised. I told them that they were not to be given any clothing under the rules and asked them if they wanted to proceed to Mauritius or go back home ; they said they would go to Mauritius. I found they needed no clothing and our chief clerk who was with me told me that clothing was being given to a few who actually need it. This needed no interference by me and as I had finished my note of 18th October before this complaint was made I make mention of it to-day, so that the Emigration Commissioner may kindly take the trouble of making it known to recruits that they should not under any circumstances hold out to any recruits a promise which the rules do not permit.

These 12 are the only recruits in the Depôt to-day. They have no complaints to make except that they have not yet received the clothing they expected, namely, the uniform and the blankets and the advance 30 per head. The Emigration Commissioner is away and the chief clerk will please let me know what the promises to these men are and what they would actually get at Calcutta. If they are to

* The 88 include 53 sweepers in whose case there is no fixed proportion of men with families to single men.

get a uniform and 2 blankets each at Calcutta as they say they have been promised I may be informed. The advance I know they will get here.

Mangat says he was employed in the N. W. Ry. at Delhi and his 2 days' pay is due; that he has come away with the consent of the Railway authorities and that his pay be made over to his brother Nanka who is still in the employment of the Railway. His application to this effect may be forwarded. A similar application from Bhagwana to the Municipal Board at Ghaziabad may also be forwarded.

KRISHN KUMAR,
Emigration Magistrate.

The 29th October 1923.

Chief Clerk's note perused. The emigrants can be sent. I have passed them.

(Sd.) S. K. K.

The 29th October 1923.

Learning that an Emigration Depôt has been opened at Benares, I was naturally greatly concerned about it and most anxious to visit it. There was also some concern expressed in the papers, I thereupon wrote to Mr. Darwin if I could visit the place. Mr. Darwin very courteously wrote back to say that I could go and later also wrote to say that as a Municipal Commissioner, I was entitled to come here whenever I wanted to. I therefore availed myself of this opportunity and paid a visit to this place on the afternoon of October 30. Moulvi Guda Hussain Saheb, the Emigration Commissioner, was not in the station and I am thankful to Babu Chhannu Lal for having taken me round the whole place and shown me everything and everyone here without reserve or hesitation. As to the situation and the arrangement I have nothing or very little to say. The only complaint I have is that more than one family can be and is being housed as necessity arises in the same enclosure, or rather within the same partition walls of the large enclosure especially constructed for the purpose. This is totally wrong and I know for a fact that one of the chief complaints of housing in the poorer parts of garden is that many families occupy the same room. This is morally very deleterious. Family life of even the humblest is sacred and I do think that either all men should be in one enclosure and all women in another, or if they insist on living even here as families, each family must be separated from the other.

I should like to add here that I, as a humble servant of my country, cannot look at this problem from a purely economic standpoint. I almost cried as I saw these poor countrymen of mine about to be sent abroad as "Coolies" to give the impression to all mankind that we are a nation of "Coolies" and nothing else. I felt anguished at heart that I had not 1|4|- per day to offer to every single one of them and to take them away with me. Economics is a cruel demon. It will make us do anything; these people are not going I emphatically assert on their own authority for love of Mauritius or desire of seeing other lands, but for money. It is shameful for any of us that our countrymen should go out like that and cannot be retained here. Englishmen are recruited for service in India to be our rulers. We are recruited to be coolies. How long will this last?

I will close with only one observation. I find that a number of Bhangis are also being sent. The published notices distributed broadcast only mentions sugar-cane fields. This Bhangi recruiting should also be mentioned. There is a lack of Bhangis in India everywhere. They are very necessary for our national economy. Why should they go? They must be retained; and I think local bodies would retain them at any cost, if they knew they are going away.

I think Babu Chhannu Lall again for his courtesy to a frankly hostile visitor. I repeat I have no complaints against the arrangements apart from the one mentioned above. I hate the whole institution; and am very sorry if my countrymen have anything to do with it in any capacity. I indeed want to write in this book for I knew my feelings were strong but was prevailed upon to do so only by the repeated and kindly request of Babu Chhannu Lall.

(Sd.) SRI PRAKASA,
Municipal Commissioner, Benares.

The 30th October 1923.

Postscript.

On coming back from the Emigration Depôt, I thought some words I had written in the Inspection Book were not clear and there was likelihood of misunderstanding so I write this and am sending it to Babu Chhannu Lall with the request that he would paste it below my note. I hope and trust he would oblige me and do so. I am not unaware of the fact that emigration from one country to another is the commonest of things. I recognise that men and women in all ages and all countries would emigrate from one place to another in search of fame or fortune. I know that large posters in England specially on omnibuses loudly cry out to the passers by "Why not emigrate to Australia? Plenty of land and plenty of wages. It is the workman's paradise." But so far as I am aware there is no Governmental institution and Government Officer in any way connected with or taking any active interest in promoting such emigration in England. Our complaint is that India's Government in embodying alliance with the Government and capitalists of other lands actively promotes this sort of emigration from India. That makes it so objectionable, so hateful. If they went of their own accord no one would complain or even have the right to complain at all and then why do people emigrate from other lands? Certainly not, as we do to be coolies in other peoples' sugar-cane estates, or to be bhangis carrying other peoples' nightsoil day in and day out.

(Sd.) SRI PRAKASA,
Member, Municipal Board, Benares.

The 30th October 1923.

I visited the emigration Depôt to-day. I notice that since my last inspection Mr. Sri Prakash has paid the Depôt a visit. There is nothing to show that his note has been seen by the District Officer and I would commend it to his notice if he has not. The only point to which Mr. Sri Prakash took exception was that accommodation did not exist for each family separately. The Emigration Commissioner has given his explanation and I am inclined to agree with him that it will not be an easy job to provide accommodation on the scale recommended by Mr. Sri Prakash. What is humanly possible with the accommodation available is being done. For example to-day there are 7 pairs among the 14 souls present. Of these 3 pairs are high castes Brahmans or Kshattriyas, others are Chamars. The Brahmans and Kshattriyas are being lodged in a separate building, not in a separate compartment of the building, intended for those who have no caste scruples. They are quite happy with arrangements made. All those 7 pairs have been to Trinidad and can talk a little broken English. They are happy to go to Mauritius where they expect the labour conditions to be much better than here in India. It is interesting to hear them tell their reasons for choosing to leave again the country of their birth.

None had any complaint to make. I had a look round the latrines also. I find from the water that there was that Phenyle is being regularly supplied, but in spite of it and in spite of the fact that the number of males to-day is under a dozen, the male latrine was emitting a stench. The sweeper might be told to make proper use of the Phenyle that is supplied.

I understand the orders are to send 1,500 families and 168 sweepers. So far the recruitment has been as follows:

I. Towards 1,500—		
Pairs	..	11
Singles	..	37
II. Towards sweepers—		
Pairs	..	7
Children	..	5
Singles	..	60

It has not thus been possible to maintain the proportion of single to pairs in the ratio of 1 : 4 to I.

I am informed that at Calcutta about 450 Fiji returned emigrants have chosen to go to Mauritius. A very large number of the 450 consists of families.

The Emigration Commissioner is away in Calcutta and the Chief Clerk who is a smart man without doubt is carrying on the work very properly.

S. KRISHN KUMAR,
Emigration Magistrate.

The 20th November 1923.

As I was leaving the Chief Clerk drew my attention to the fact that the present lot of men are not satisfied with the rations they get. At present they get 12 ch. flour and rice, half and half, and 3 ch. Dal; they want 1 *seer* ata and rice, half and half, and 3 ch. Dal. They did not make this complaint to me when I had questioned them before, but on ascertaining again I find that they are really feeling that they have not been getting enough to eat. If they can eat the quantity they want I see no reason why they should not get it.

S. K. KUMAR.

The 20th November 1923.

In consequence of statements publicly made of unwise or unlawful action on the part of employees of this department, I called to make inquiry to-day. The Commissioner is absent in Calcutta but Babu Chhannu Lall kindly gave me every possible facility. The internal arrangements of the Depôt for the accommodation of the coolies seem quite satisfactory. I satisfied myself by questioning each inmate personally that they had not been misinformed in reference to the conditions of emigration, that they understood them perfectly, and willingly accepted them. It happens that all those residents to-day are returned emigrants from Trinidad and Jamaica. They had come back in each case with good savings which have been quickly spent and the men and women find there is no place or satisfactory work for them in their home villages. They are glad to return. What I have seen satisfies me that some of the criticisms I heard are without foundation.

J. C. JACKSON,
Member, Benares Distt. Board.

The 21st November 1923.

Inspected the Emigration Depôt to-day; there were about 19 persons. I asked them. They are going with their wishes.

MATA PERSHAD,
Member.

The 24th November 1923.

I visited the emigration depôt at about 9 A.M. to-day. The number of intending emigrants at present in the depôt is 18. Most of these people are returned emigrants who do not find economic and to some extent social conditions in their villages suited to their interests and are anxious to go out again as soon as possible.

What a sad commentary on our present administration and the conditions created and buttressed up by it! The physical needs of the inmates of the barracks seem to be well attended to. I find nothing particular to speak about. As there are practically no fresh emigrants, if I may use the term, it is difficult to say if any coercion has been exercised or not.

SAMPURNANAND,
Member, Municipal Board. Benares.

The 29th November 1923.

I inspected the emigration depôt to-day at 11-30 A.M. There were about 19 persons as I saw on 24th November; they were in good condition.

MATA PERSHAD,
Member.

The 30th November 1923.

I visited the place and made inquiries from certain emigrants. As it is about sunset and my notes may take some time I propose to send it on later to be pasted in this book.

RAVI NANDAN PARSAD, M.L.C.
Member.

The 8th December 1923.

I visited this Depôt this evening. There are 49 souls including 19 sweepers and 2 infants, and found every thing all right with them. One Chhedi Brahman returned emigrant of Trinidad had brought with himself a widow named Janki as his sister some 5 years ago. She was living with him in India and was admitted in the Depôt as his dependant. Few days ago she had a concubinage with Kashi another returned emigrant of the same country present in this Depôt, with the consent of Chhedi who had brought her with him here. All 3 concerned came the day before yesterday to the Emigration Commissioner and reported all what they were willing to do. The Commissioner directed them all to go to the Police Station to report, which was done. The said officer did so as to the safeguard of the connection made. Specially because the woman is a widow and might not prove otherwise.

MATA PERSHAD,
Member.

The 11th December 1923.

I visited the Depôt this morning and examined 47 emigrants intending to proceed to Mauritius. They were found willing to proceed there and were granted permission as required under rule 25 of Emigration Rules. I ascertained the fact regarding Mst. Janki's story given in the inspection note of Babu Mata Pershad and found it correct.

SAIYID ZAMIN HUSAIN, *Khan Sahib,*
Emigration Magistrate.

The 12th December 1923.

I visited the Depôt this afternoon and questioned almost all the emigrants. They are all satisfied with the arrangements, food, etc. They full well understand the conditions on which they are emigrating to Mauritius. They have been provided with meat to-day. I also ascertained the fact referred to by Mr. Zamin Husen and there is nothing objectionable in the matter.

M. KHALIL, B.A., LL.B.,
Member of the Visiting Committee.

The 12th December 1923.

Fifteen emigrants were registered this morning and 2 were unwilling to emigrate—16 emigrants have been advanced Rs. 30 each. The two unwilling men have been allowed to go back to their home (Begamabad), their railway fare at Rs. 8 each total Rs. 16 has been paid to Md. Jamil Khan and he has been directed to purchase railway tickets for them.

S. ZAMIN HUSEN.

The 16th December 1923.

Twenty-six emigrants were registered this evening—this includes the dependents.

S. ZAMIN HUSAIN,
Emigration Magistrate.

The 19th December 1923.

I visited the Depôt this afternoon and found one family consisting of four souls and one single. There is nothing to note—a batch of 40 sweepers is expected from Delhi to-morrow.

M. KHALIL, B.A., LL.B.,
Member of Visiting Committee.

The 9th January 1924.

I inspected the Depôt this morning and registered 67 souls. I put questions to Din Mohamed and he assured me that he could not procure any employment for himself in this part of the country and so he was prepared to emigrate to Mauritius Island.

S. ZAMIN HUSAIN,
Emigration Magistrate

The 11th January 1924.

I inspected the Depôt this afternoon and found about 66 emigrants. I asked them why they were going to other country—they assured that they are going with their own wishes.

MATA PERSHAD,
Member, Honorary Magistrate.

The 14th January 1924.

I inspected the Emigration Depôt this morning at 10-30 and inquired individually from each emigrant—who stated that he had given his consent. The number emigrants to-day, male 36, female 13, and children 17. As the Emigration Commissioner was out—Babu Chhanulal has very kindly show me the place, for which I thank him.

Y. N. UPADHAYA,
Municipal Commr. and M.L.C.

The 17th January 1924.

Visited the Emigration Depôt this morning and registered 16 souls—6 souls have been discharged as they were not willing to emigrate.

S. ZAMIN HUSAIN,
Emigration Magistrate

The 5th February 1924.

I inspected the Depôt this evening. There are five pairs excluding two babies with their parents in the Depôt. I put several questions to them and they answered the questions very satisfactorily. They are all pleased, happy and quite willing to go to the Island (Mauritius). There is nothing particular to note.

M. KHALIL, B.A., LL.B.,
Member.

The 29th February 1924.

I inspected the Depôt this morning at 9 A.M. It is a bit early and the clerks have not come. There are 28 emigrants in the Depôt. They are willing to emigrate and they understand the conditions on which they are going to Mauritius.

S. ZAMIN HUSAIN,

The 19th March 1924.

I inspected the Depôt this morning at 10 A.M. There are 53 intending emigrants. They have no complaints—they are properly fed and kept. I registered 53 emigrants.

S. ZAMIN HUSAIN,
Emigration Magistrate.

The 11th April 1924.

I inspected the Depôt this morning at 10 A.M. and registered 24 emigrants. They appeared to be happy and they understood well the conditions under which they were allowed to emigrate. It struck me that 2 families of Saiyads were willing to leave for Mauritius and they insisted on their going there. This shows that respectable families are also preferring to go to Colonies though this may be due to their poverty. Everything is satisfactory.

S. ZAMIN HUSAIN,
Emigration Magistrate.

The 24th April 1924.

I inspected the Depôt this morning at 10 A.M. and registered 51 emigrants. They understood the conditions on which they were allowed to emigrate—they expressed their willingness and said that they were not under any deception.

S. ZAMIN HUSAIN,

The 20th May 1924.

(Remarks were made in Urdu language and have been translated into English.)
I inspected the Emigration Depôt to-day. It contained pairs of men and women together with their children. They expressed their willingness to get recruited and go out as emigrants. They know the object of their visit abroad.

MOHAMMAD FARUQ, *Khan Bahadur,*
Dy. Supdt. of Police, Benares City.

The 3rd October 1923.

(Remarks were made in Hindi and have been translated into English.)
To-day at about 4 P.M. I inspected this Depôt. During this month up to to-day only 40 men and women have been recruited. Out of this those recruited up to the 18th have already been despatched. At present the recruited coolies consist of two classes. There are some who speak of their return from Jamaica and also say that they don't like to remain in India. They who say so belong to the Faizabad District. The one class consists of Brahmin men, women and children and have sufficient accommodation at their disposal. The other class consists of Chamar men, women and children. For these also accommodation is sufficient. They have also medical arrangements. The coolies consist of one Thakur of the Faizabad Dist. and one Chedi Brahmin who says he has returned from Jamaica and is very clever. He is ready to answer when others are questioned.

SATYA DEV SARDA,
Member, District Board, Benares.

The 29th November 1923.

I inspected this Depôt to-day. At present it consists of 18 coolies, both men and women. Out of them, there is one Brahmin boy, named Sukhdev who looks 12 years of age approximately. Looking at this boy I am of opinion that whereas in other civilised countries boys of such ages are reformed, in this country such boys are recruited as coolies. Will this country ever remain dependent ? Whereas in other countries to be called a coolie is a great disgrace, in this country it is boasted of by the people. This scene I only saw in this Depôt. Whomever I questioned he replied that he was going out with great pleasure. In our own country we havn't got room for ourselves, *i.e.*, we get only one anna daily wage here in this country while there we would get Rs. 1-4 daily.

KRISHAN CHAND SHARMA,
Member, Municipal Committee, Benares.

The 30th November 1923.

To-day at about 10 in the morning I inspected this place. At present there are only 3 or 4 men. One named Din Mohammad says that if he could get a job here he would refrain from going to Mauritius. The Emigration Commissioner should give this man sufficient opportunity.

SATYA DEV SARDA,
Member, District Board, Benares

The 5th January 1924.

To-day I again inspected this depôt. At present, there are 84 men, women and children. Coolies number 64 and majority of them are Mohammadans and belong to the Province of the Punjab. Some of them belong to this Province. One is a Pandit.

KRISHEN CHAND SHARMA,
Member, Municipal Committee, Benares.

The 29th April 1924.

THE IMPERIAL BANK OF INDIA (AMENDMENT) BILL.

REPORT OF THE SELECT COMMITTEE LAID ON THE TABLE.

The Honourable Sir Basil Blackett (Finance Member) : I beg to lay on the table the Report of the Select Committee on the Bill to amend the Imperial Bank of India Act, 1920.

The Honourable Sir Charles Innes (Commerce Member) : With your permission, I propose slightly to vary the motion on the order paper. I beg to move :

"That the Bill to provide for the better regulation of cotton ginning and cotton pressing factories be referred to a Select Committee consisting of :

Diwan Bahadur T. Rangachariar

Sir Chimanlal Setalvad,

Sir Purshotamdas Thakurdas,

Seth Kasturbhai Lalbhai,

Baba Ujagar Singh Bedi,

Mr. R. A. Wilson,

Pandit Shamlal Nehru,

Mr. Harbilas Sarda, and

Myself,

and that the number of members whose presence shall be necessary to constitute a meeting of the Committee be five."

When I introduced this Bill a few days ago I was concerned merely to prove that there were malpractices and abuses in cotton ginneries which deserved the attention of the House. I attempted to prove that statement by referring to the authority of the Indian Cotton Committee, particularly to paragraph 219 and following of that Committee's report. That Committee after prolonged investigation and inquiry throughout India found that there was overwhelming evidence that serious malpractices and abuses exist in these ginneries and factories. They found also that those malpractices injure the reputation of Indian cotton and thereby reduce the price which the cultivator gets for that cotton. That was a point on which they laid great stress. Well, Sir, all Local Governments have endorsed the statement of the Indian Cotton Committee that these abuses and malpractices exist. To-day I am asking the House merely to agree in principle that legislation is required to tackle these abuses and these malpractices. The actual proposals we have made in this Bill will no doubt be carefully scrutinised in this Committee which I want the House to agree to. It may be said that this is just the sort of abuse which the trade should be left to deal with by themselves. On that point the Indian Cotton Committee definitely reported that the trade unaided could not deal with the abuse. They further said that legislation should be undertaken to enable the trade to deal with these malpractices and abuses. They made various suggestions as to the restrictions which should be put on cotton ginneries and cotton presses and they made a further proposal that those restrictions should be made effective by a system of licensing of ginneries and presses in India. That was the recommendation of the Indian Cotton Committee. When we got their report in 1919, we referred those recommendations to all Local Governments. The letter was published. Local Governments consulted Chambers of Commerce and non-official opinion and they reported practically unanimously in favour of the wholesale adoption of the Indian Cotton Committee's report. At the time when we got those replies the Central Cotton Committee had come into existence and the first thing we did was to refer the whole question to the Central Cotton Committee. The Central Cotton Committee, as the House knows, represents the cotton trade in all its branches, growers as well as the trade

itself. Their report was to the effect that there were three essential conditions to improvement, the adequate marking of bales to enable ownership to be established, the maintenance of the records of ownership and compulsory statistical returns. Those are the main features of the Bill which I am putting before the House to-day, but in the Central Cotton Committee there was a good deal of difference of opinion about this question of licensing. The Central Cotton Committee were only prepared to go as far as to say that they thought that Local Governments might be enabled by central legislation to impose licensing if they thought it necessary. We got that report at the end of 1921 and again we consulted all Local Governments, and all Local Governments again consulted Chambers of Commerce. They were more or less generally in favour of this enabling clause but the Government of India on further consideration, especially of the report of the Provincial Cotton Committee of the Punjab, on which the growers and the trade were strongly represented, thought that the best plan in the first instance is to drop even this enabling clause regarding licensing.

We propose to confine our Bill entirely to those points which the Central Cotton Committee regarded as essential. We are not placing any very severe restrictions upon ginneries and factories, but what we are doing is that we are enabling the trade to protect itself and the cultivator against these malpractices and abuses which injure so much the reputation of Indian cotton which do so much to prevent the Indian cultivator from getting an adequate price for his crop. If the House will agree to a reference to a Select Committee, all it means is that they agree that legislation is necessary to deal with these evils. In support of that statement I have quoted the authority of the Indian Cotton Committee. I have quoted also the fact that Local Governments generally have agreed with these proposals we are putting forward. Our precise proposals will no doubt be gone through most carefully by the members of the Select Committee. I have specially made it my aim in proposing Members for the Select Committee to propose Members not only representing the cotton trade but also the interests of the grower. In these circumstances, Sir, I hope that the House will agree to the motion which I have just moved.

Mr. M. S. Aney (Berar Representative) : Sir, I rise to move the amendment :

"That the Bill be circulated for eliciting public opinion thereon by 31st of December 1924."

In support of the motion I desire to make only a few observations.

In the first place I think that the subject of controlling the working of cotton ginning and cotton pressing factories should be left to the Provincial Governments and the Central Government should not, as far as possible, interfere in the matter.

The subject really comes within the category of transferred subjects, *vide* Entries Nos. 26, 27, 28 and 29 of Part 2 of Schedule I and, unless there is a strong case, the Central Government is not justified in interfering.

From the report of the Central Cotton Committee it is perfectly clear that the circumstances relating to the cotton cultivation, cotton trade and cotton industry differ in different Provinces. And therefore they have dealt with the question for each Province separately.

A uniform legislation by the Central Legislature to regulate them may not necessarily be a panacea for the evils existing everywhere.

[Mr. M. S. Aney.]

The Indian Cotton Committee bitterly complains in its report of the evils arising out of the multiplication of small ginning factories in the Madras Presidency. On the other hand, the Agricultural Department of the Central Provinces was of the definite opinion some time ago that the best method to save the cultivators from the evils of the pool system obtaining in certain important Cotton Centres in the Central Provinces and Berar as well as the best way to secure the proper price to the cultivator was to encourage him to get his cotton ginned before taking it to the market and therefore to provide facilities by encouraging the establishment of small ginning factories run by the power of an oil engine. The agricultural unions in Berar at any rate looked upon this proposal as a satisfactory solution of some of the difficulties which appeared insuperable to the Indian Cotton Committee. It has to be seen how far the process of encouragement is to succeed if this Bill be passed into law.

Besides, in the Central Provinces and Berar, the existing cotton market law has already given some of the powers to the cotton market committees that are established there. For example, the standardisation of weights and measures used in the cotton markets is already provided for by the municipal laws of the Central Provinces and the cotton market laws of Berar. I have only referred to these things just to show how conditions regarding this subject differ in different Provinces.

The second question which I wish the House to consider seriously is whether the control which is sought to be established on the factories can be better exercised by such local Committees as the Cotton Market Committees or by the Government through such agency as this law may create. I do not venture to give any definite opinion on the question without further examination and without being in possession of all the information which those that are directly interested in the trade and industry may be in a position to place at our disposal.

But if I am allowed to judge the matter by such previous experience as we had regarding grain control during the war time, I am inclined to think that the governmental control of trade through an official agency is certainly not an unmixed blessing. Such a power vested in the officials oftentimes degenerates into a form of weapon of harassment to businessmen and a dangerous temptation for corruption which the officials concerned in the majority of cases find it difficult to withstand.

Even if we recognise the necessity of some control, we must know clearly the purpose which we have in view. If this control is intended only for securing statistical accuracy I have no doubt that the Bill goes very much beyond requirements But if it be intended to protect the trade against damping, adulteration or other malpractices in the interest of foreign purchasers of Indian cotton, I am afraid that the framers of the Bill have perhaps failed to take proper account of the conditions of the cotton trade as they exist at present.

The Indian Cotton Committee has been harping on the point that the reputation of Indian cotton has very much suffered in the foreign markets and the Central Cotton Committee probably neglecting its legitimate and primary function of providing facilities for research work regarding the possibilities of long staple cotton cultivation and similar work of a scientific nature in its advisory capacity has been flooding the Government of India every year with suggestions to redeem this lost reputation of the Indian cotton.

It may be some consolation to the Honourable Members of this House that the Government of India, though not jealous of the reputation of Indian manhood in foreign lands, the human commodity, if I may so use the expression, is, at any rate, showing very commendable zeal in saving the reputation of an Indian commodity of commerce like cotton. This extra zeal for the reputation of Indian cotton has been to me a mystery.

I do not see from the figures of exports of Indian cotton published by the Government of India any indication of this loss of reputation of Indian cotton in foreign markets. The pre-war average of the export of cotton bales from India was 2,407 thousand bales. In 1921-22 it was 2,989 thousand bales and in 1922-23 it had risen to 3,362 thousand bales. If the loss of the reputation of Indian cotton had told on the export trade and thus affected both the revenues of the Government of India as well as the material prosperity of the Indian cultivators and others engaged in the cotton business in the country, I would have very well understood the anxiety of the Government of India to investigate into the question promptly and take immediate steps to remedy the evils also in the best interests of the country. But the figures of exports do not disclose any diminution of the trade and therefore the question certainly need not be treated as one of urgency.

I even go further, Sir, and urge that the question of adulteration and malpractices in the Indian cotton trade has not yet been properly investigated. Although I do admit to some extent the existence of this evil, I feel that the conclusions of the Cotton Committee regarding the true sources of these malpractices and even the suggested remedial measures based on these conclusions cannot be accepted as the last word. It was at one time thought that cotton cultivators are to some extent responsible for it and this Assembly has passed the Cotton Transport law. Now it is suspected that the petty merchants in conspiracy with the owners of ginning and pressing factories practise the fraud and we are asked to pass the present law to remedy the evil. But is it known to the Honourable Members of this House that the petty merchants as well as the Indian cotton cultivators are solely at the mercy of the agents of big foreign companies in the Indian cotton markets ? It is these agents who purchase the cotton on a large scale in these markets and it is they who virtually rule the markets.

The conditions of the Indian cotton markets have materially altered during the last five or six years. There is no important cotton market in Berar at any rate where we do not meet with the agents of the big European, American and Japanese cotton purchasing firms. They purchase the cotton directly from the cultivators in these markets and get it ginned and pressed. But if, in spite of this, there is a good deal of adulteration, I think that the matter requires a fresh and searching investigation. Who is the culprit ? I do not want to rush headlong to any conclusion and give an off-hand answer. But I certainly think that the thing requires to be properly investigated. Is it that the agents practise fraud on their principals ? So long as the foreign companies were not directly dealing with the Indian cultivators in Indian markets, there were grounds to suspect that the fault possibly lay with the cultivators or the petty Indian merchants or the ginning and pressing factory owners. But as I have said the situation has materially altered and it is necessary to give all those owners of Indian factories and

[Mr. M. S. Aney.]

Indian cultivators a fair opportunity of expressing their opinion on the provisions of the Bill before this House can be asked by the Government to adopt it.

I ask the Honourable Members of this House to bear in mind that they are passing a penal law and a little negligence on the part of owners in regard to the maintenance, production and preparation of registers or submission of returns or structural construction of their factory buildings is being penalised. And therefore it is all the more necessary for you, Sir, to hear them and receive suggestions from them before making up your minds finally on the merits of the Bill.

Sir, there is another consideration also which I wish to urge. The element of Indian population which is bound to be affected by this piece of legislation occupies a very important part in the economic and public life of my Province. Nearly 520 factories in the Central Provinces and Berar employing on an average 38,650 persons will be affected by this law. The importance of this class is already recognised by the Government in constituting the factory owners of the Central Provinces and Berar as a separate constituency for the Provincial Council as well as for the municipal bodies of various towns in the Province. So their importance also requires that neither the Government nor the Honourable Members of this House should hasten to pass an *ex parte* order against them. It is an intelligent, influential and public-spirited class of citizens.

I conclude therefore with a fervent appeal to the Honourable Member in charge of the Bill as also the Honourable Members of this House to adopt my motion and thus give them an opportunity of having their say on the principles underlying the Bill as well as the detailed provisions of the Bill.

This Bill was introduced on the 3rd of September. It was published in the Gazette of India on the 6th. And I therefore need not say that it has not yet reached the distant places where the factories sought to be controlled by it are generally situated.

In this connection I may also remind the Honourable Members of this House, that the cotton transport law to which the present Bill is rightly described in the aims and objects as being supplementary, was not pushed through the Legislature in haste. Government immediately after its introduction in the Assembly published it and circulated it for public opinion and then referred it to a Joint Committee of the two Houses. This House gave its assent to that Bill on receiving the Report of the Joint Committee. So, in pressing my amendment, I have a strong precedent to rely upon and I am confident that the Government and this House will adopt the same procedure this time and adopt my motion for circulating it for public opinion. With these words, I commend the motion to the House.

Mr. Narain Dass (Agra Division : Non-Muhammadan Rural) : Sir, I beg to support the amendment moved by the Honourable Mr. Aney. I think cotton pressing and ginning goes on mostly in the districts. Gentlemen coming from big trade centres like Bombay and other places have knowledge of exporting the pressed cotton bales, but as regards what processes are really involved in pressing and ginning the cotton, in what places this is being done, and so forth, these gentlemen know very little. I think the Bill as it stands would mean undue interference with large industrial interests, and those who are really engaged in

that trade, who carry it on in so many districts, are the persons who happen to be the least consulted. I do not think that gentlemen living in large trade centres have the right to prescribe certain methods, to prescribe certain marks and labels to the various other proprietors and owners of the factories scattered almost all over the country and carrying on trade under different conditions, under different circumstances. Sir, until the cultivation and growth of cotton in various parts of the country is brought under certain regulation, until we adopt Western methods and bring under a certain degree of uniformity the cultivation and culture of cotton and reduce it to certain well-defined methods, I think it would be going too far, it would be rather putting the cart before the horse, to take up legislation like this. Sir, the production of cotton in any district depends on a variety of circumstances. For example, a district using the same sort of seed cannot produce cotton of the same quality always,—rather in the same season the quality of the cotton differs very much. At the very beginning it is perhaps just of an inferior quality ; as the season advances, it becomes of a better quality, and then at the end of it the quality of the cotton falls off. So to be obliged to put the same mark on a number of bales ginned in a certain factory would mean nothing : it may simply mean that the contents of a certain bale were ginned in a certain factory. But there can never be any guarantee as to the quality of cotton which forms the contents of that package. Then, Sir, I submit that there has not been anything like universal complaint of any admixture or any sort of adulteration going on in the ginning factories. It is mostly to their self-interest to gin the cotton as they get it from the bazaar and to see that the cotton is quite pure. There is no complaint at all that they adulterate it to any the least extent. Many of us coming from the United Provinces or from the Central Provinces or from Berar know very well under what circumstances cotton is being ginned and pressed. Almost every district has got not only one but a number of factories, and they are doing their work very honestly and in a business-like manner. I do not think there will be any the least necessity for interfering with their work, and the Bill as it stands will really encroach upon the liberty of businessmen. Sir, I think we should at least consult those who are really concerned with the ginning and pressing work, and that the Bill should be postponed for at least six months to get opinions thereon. I am sure the Bill will not improve the quality of cotton but would mean a great vexation to the trade.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) : Sir, while one cannot help sympathising to a certain extent with the wish of the Honourable Member from Berar, my friend, Mr. Aney, who suggested that the Bill should be circulated in order to enable owners of gin and pressing factories in his district at least to express their opinion on the draft Bill, I must very strongly protest against the indictment that my Honourable friend has thought fit to pass on the principles underlying this Bill. Sir, I think it would help this House if I stated at the very start that I happen to be concerned for the last 25 years in the work of cotton ginning and pressing, and I happen to belong to that class which it is proposed to bring under better regulation by this Bill. I might say at once that I had something to do with the conception of the principles underlying this Bill and I had

[Sir Purshotamdas Thakurdas.]

a good deal to do in seeing the Bill through the Central Cotton Committee, an organization consisting of 35 members, mostly of members who are non-official merchants interested in the cotton trade of India from various parts of the country. If, therefore, my Honourable friend, Mr. Aney, or my Honourable friend, Mr. Narain Dass, wishes in the slightest degree to insinuate or to allege that the Bill comes before this House without the sanction of the people whom it affects, I wish most emphatically to challenge them and say that they are either under a misapprehension or they are misinformed.

The Bill comes here, Sir, with the full support of the principles approved in most cases unanimously, and in some cases by a substantial majority of that statutory body created by this very House, namely, the Indian Central Cotton Committee. I therefore wish that my friend, Mr. Aney, had put forward his grounds for the Bill being circulated not on the general indictment that he has chosen fit to pronounce in this House but on the very simple ground that the Bill was only published a few days ago and has not had time to get to the people whom it is likely to affect. With that ground of his, every one will sympathise. Against the rest, I protest emphatically. What does my Honourable friend from Berar suggest ? The first is, why should there be an all-India legislation on this question and why not leave it to every provincial Government to legislate for gins and presses in their boundaries as they may best like to do. I would give him a very straight reply and very short one too. The fact is that cotton is not marketed by provincial boundaries, cotton is marketed all in one place and the mill-owners of India who are the consumers are not restricted by provinces nor are exporters similarly restricted. It is, therefore, most necessary that the broad principles on which this Bill is based should be uniform all through. And what are those principles, Sir, against which we have had such vehement opposition from my Honourable friend there or my esteemed friend over there ? The Bill only makes provision for the maintenance of registers, marking of bales in order that there may be uniformity, and thirdly for gin and press owners preserving returns, a thing which in ordinary business firms one would have thought they might have done ; but owing to the various stages of literacy that is enjoyed by the various people who are interested in this business, and various ideas of economy that prevail in the minds of gin and press owners and for other reasons which I need not go into here, adequate returns and records are not at present preserved. I say that as a gin and press owner myself and I think it is only right that this Assembly should insist that everybody who handles the raw produce of the cotton cultivator should have certain definite records, so that in case of any mischief having to be traced, it can be traced to the originating place. The third point, Sir, is for adequate provision for scales and weights being maintained. I wonder if my Honourable friends take objection to that ; and the last is some structural requirements to be observed in order that when the raw produce is being ginned no excuse may be available for pure cotton being mixed with seed or seed cotton by an accident. These are the very simple underlying principles of the Bill which my Honourable friend thought fit to assail or to take exception to. The next thing that he suggests is this and there again there is a misunderstanding and I wish to clear it up. My Honourable friend says that he apprehends that damping

or watering may be prevented by legislation for the purpose of the foreign purchaser. I heard a good deal of the word "foreign," "foreign," in his speech. I really wonder if my Honourable friend thinks that the only buyers of Indian cotton are foreigners and that the Indian mill-owners do not buy anything at all of it. May I ask if he really thinks that watering should be allowed to go on if it really can be checked ? The Honourable Member in charge of this Bill has said that the Central Cotton Committee were of opinion not only that there should be better regulations, but that there should be a system of legislation of licensing of gins and presses. The Government of India wish a better case to be made out that there will not be any suffering by those who may be innocent and to that extent that part of the recommendation of the Central Cotton Committee is being held in abeyance, I hope, by them and had not been rejected. But the principles underlying this Bill, Sir, appear to me to be very necessary for the welfare not only of the foreign buyer, as my Honourable friend tried to make out, not only of the indigenous consumer, the Indian mill-owner, but of all those for whom my friend there and my friend over here plead, namely, the cotton grower and the cotton cultivator. I will only give one instance, Sir. This very Assembly, I think, less than a year back or approximately a year back passed what is now known as the Cotton Transport Act, perhaps under protests of a melancholy nature similar to what we have heard here. I wish my Honourable friend there would get a copy of the press communiqué recently issued by the Government of Bombay where they have said that after definite experience for one year they have come to the conclusion—and this is the conclusion which is endorsed by the commercial community—that the Cotton Transport Act has benefited the cotton grower by lakhs upon lakhs of rupees a year—and that in one year only, Sir. I have very great pleasure in commending this measure to the House.

Regarding the question whether it should be referred to a Select Committee or not, even if the Bill is referred to a Select Committee now, I wish the Honourable Member to bear in mind that the Bill cannot come into operation for the coming cotton season. The cotton season will begin within two months more ; and if the Select Committee were appointed now, I expect the Honourable the Commerce Member does not wish the Select Committee to carry through its consideration and submit a report to this House this session. Therefore, even at the very best the Select Committee's Report can come up for consideration of this Assembly next February. If there is a general feeling in the House that the Bill should be sent out for circulation and opinions be called in by the end of this year, the Select Committee can meet in February, sit down to work and submit their report, and the Bill may be passed into law before the end of the winter season at Delhi. I have said that not a single season would be lost by this being accepted, and I wish to suggest to the Honourable Member in charge that he may think over this. If there was the question of a single season being lost by adopting this suggestion of my Honourable friend over there, I perhaps would have been the first to oppose it, for every season that is lost means lakhs of rupees loss, avoidable loss, to the cotton cultivator. The motion of Mr. Aney entails no loss of time in the Bill coming into operation, which can at the earliest be for the season 1925-26 ; if the House wish that more time should be available to those interested in this Bill to make necessary representations to this House, I hope that the Honourable Member in charge may see his way to accept this amendment.

Sardar V. N. Mutalik (Gujarat and Deccan Sardars and Inamdars : Landholders) : I rise, Sir, to support the motion that has been brought forward by my friend. In the first place, I would refer to some remarks that have fallen from the Honourable Sir Purshotamdas Thakurdas. He said that the Select Committee may be appointed just now ; the Select Committee may decide to have opinions and the Bill may be circulated, the Select Committee may sit in February and have the report in the next session. What does this mean ? This means that the House is committed to the underlying principle of the Bill. I first want to ask whether the House agrees to that proposition. If the House agrees to that proposition, then it means very little whether the Select Committee is nominated just now or whether the Select Committee sits and reports after February, after the opinions are invited. I think the best course would be both for Government and for the House to postpone the consideration of this matter for some time. In the meanwhile the Bill may be circulated for eliciting opinion on it. 1 P.M.

The next question, Sir, which I want to refer to is the report of the Bombay Government. I was present on the occasion in the Bombay Council when the first Bill of this nature came up for consideration in that Council. This Bill, even then, was considered as a contest between the capitalists and the Members from the mufassil. If anybody would refer to those debates, he will find that the Bill for controlling the cotton transport was strongly opposed by the section which represented the cultivators. I may also mention here, Sir, that it was strongly opposed by those Members who came from constituencies which were mainly cotton-growing constituencies. After all, Sir, we cannot help this competition. There will always be a difference of opinion between the capitalists or the people staying in the cities and the people in the mufassil, who are mere cultivators and supply for the commercial requirements of the commercial population in the cities. I say that it was a wise suggestion from the Honourable Member from Berar to consider whether it was not right to have provincial legislation or an All-India legislation on this matter. I do not know what argument there is in the statement that because the mills are situated in one locality and as they are the best purchasers, the Indian Legislature should take in its hands the question of legislation. Nor do I understand the argument that because cotton is exported from one port, this House should take into consideration this legislation. Personally, I think it would be desirable to leave this matter to the Provincial Governments if they are willing to accept the responsibility of legislating on this matter. They know best the local conditions. They are well conversant with the factory owners and they will be the best judges to legislate on such matters. This Bill really interferes with the trade itself. I wondered when the Honourable Member in charge of this Bill said that unaided trades should be left unaided to adjust themselves. At the same time he now considers that this is a thing which the trade is not able to do unaided. Trade ought to adjust itself and I suppose the merchants will take care of themselves in this matter. Why should not the merchants themselves move in the matter ? Why should they not enter into communication with the gin owners and the press owners and constitute a machinery by which everything can be adjusted without the intervention of Government ? I think the suggestion made by the Honourable Member from Berar should be accepted by this House and the Central Government may embark on this legislation in the February session.

Mr. K. G. Lohokare (Bombay Central Division : Non-Muhammadan Rural) : I come, Sir, from a constituency where cotton is grown in abundance. There are many cultivators who are my friends. During the last year at the time of the election campaign I was told—I shall be glad if my information is wrong—that the doings of the Cotton Committee and the Transport Act were not to the benefit of the agriculturists themselves. It may have helped the agents. It may have helped the foreigners to discern one variety from the other, but it has not helped the agriculturists. On the other hand, it has increased their difficulties. This time, in the present condition, I think it will create another difficulty for them. When the cotton is to be brought to the gin—it cannot be kept as it were in the open—it will have to be kept in different sheds for avoiding damping and mixing. Consequently, the cost of the sheds will go to increase the cost of ginning, and that increase will be borne by the agriculturists. Everyone knows that it is the question of demand and supply that determines the price. If there is a certain price at a certain time and if the ginning takes up some more of it, it is the agriculturist who will get less and consequently something will come in his way by an enactment of this sort. The Marketing Act as well as the Transport Act, I am told just now here, have benefited the agriculturists, whereas the actual impression is that they come in their way a good deal and consequently have interfered with the legitimate profits of the agriculturists themselves. It is with this consideration that I should like to say, although I am not ready to say anything regarding the frauds in the trade, that if these are facts, they should, of course, be adjusted. But, in order that the agriculturists may be given a hearing and in order that the people in the distant corners of the district may know what is going to be enacted for them, it is absolutely necessary that the Bill should be circulated. I have no objection to a certain period of time within which this should be done. Consequently, I would rather accept the amendment of my friend, Mr. Aney, and request the House to support it in the interest of the agriculturists so that they may find out what comes in their way and the traders themselves can find out how they can protect their own interests as well as the interests of the agriculturists.

The Honourable Sir Charles Innes : Sir, I have very few words to say upon this motion. Most of what I have to say has already been said for me by my friend Sir Purshotamdas Thakurdas. I just want to refer very briefly to what the Honourable Member from Berar said on one or two points. He stressed very much his argument that legislation of this kind should not be all-India legislation but should be left to Provincial Governments. Well, Sir, that was a point which was directly referred to the Local Governments for their opinion and their opinion was generally unanimous to the effect that this legislation should be undertaken by the Government of India and not be left to different Local Governments. Just let me read an extract from the reply of the Government of the United Provinces. This is what they say :

> "The conclusion of the Governor, acting with his Ministers, is that All-India legislation should be introduced to compel marking of bales sufficiently to enable ownership to be established, and also to compel the submission of statistical returns. This Government thinks that the suggested legislation should certainly be All-India. Marking of bales and submission of statistics on an All-India system are likely to be much more effective than marking and statistics by methods differing from province to province."

That shows that we have taken this action with the concurrence of the Local Governments.

[Sir Charles Innes.]

Then, Sir, I just want to add something to what Sir Purshotamdas Thakurdas said about the Select Committee. Sir Purshotamdas Thakurdas said that, as the Bill had only been published a few days ago, we ought not to make any attempt to rush it through the Assembly this session. That was not my intention, Sir, and for that very reason I did not say so in the motion that I have just moved. I did not suggest that the Assembly should instruct the Select Committee to report by a certain date. I said nothing on that point. What is the result under the rule? Such report should be made not sooner than three months from the date of first publication, unless the Assembly orders the report to be made sooner. This Select Committee cannot submit a report in less than three months. The Bill will be published and there will be ample opportunity for everybody who is concerned, who has any apprehensions, to submit representations to the Government of India, and they will be put before the Select Committee. I hope that point will satisfy the House that I have no intention of rushing the Bill through the Assembly. We have had it under discussion for four solid years and I do not want to make another reference to Local Governments. I should like the Bill to be examined by a Committee of this House. That Committee will consider any representations that may be brought up against the Bill and will submit a report to this House next Delhi session. If the House then thinks that the Bill ought to be circulated it is always open to any Member to move a motion to that effect. I hope that the House will be satisfied and agree to my motion that this Bill should be referred to a Committee of the House.

Sir Purshotamdas Thakurdas: May I just ask one question? The Honourable Member in charge said that the Bill could be sent for circulation even after the Select Committee had reported on it. I understood that in another Select Committee meeting a responsible member of the Government in this House said that the Bill having been submitted to Select Committee could not be circulated. If what the Honourable the Commerce Member says is a fact, namely, that the Bill can be circulated after the Select Committee's Report is available, may I put it to the Honourable Member that that would cause still more delay in case Honourable Members make up their minds in February next that the Bill should be circulated; and that, therefore, the shortest and swiftest method would be to put this motion off until the Delhi session?

Mr. President: The original question was:

"That the Bill to provide for the better regulation of cotton ginning and cotton pressing factories be referred to a Select Committee."

Since which an amendment has been moved:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st day of December 1924."

The question I have to put is that that amendment be made.

The motion was adopted.

THE LAND CUSTOMS BILL.

The Honourable Sir Basil Blackett (Finance Member): Sir, I beg to move:

"That the Bill to consolidate, amend and extend the law relating to the levy of duties of customs on articles imported or exported by land from or to territory outside British India be taken into consideration."

As I explained when this Bill was introduced, this is to some extent an *interim* measure designed to deal with the difficulty of collecting duties on the frontiers of foreign territory by land. At present, only in the case of Madras and Bombay does there exist any power to collect duties on the land side. Those duties are collected under two old Acts, Madras Act VI of 1844 and Bombay Act XXIX of 1857. Both those Acts have been found for some time to be insufficient and badly in need of amendment, and, in addition, they do not apply to other frontiers. The frontier that we have particularly in mind at the present moment is the Burma-Siam frontier. Owing to two causes, the development of communications in Burma and Siam, and the very high duties on certain articles, such as matches, saccharine, gold thread and other things which are light articles and can easily be transported, a regular trade is growing up, which is quite legitimate, between Siam and Burma, in goods which would be liable to customs duties, if they came in by sea. Cigarettes are one of our difficulties, matches are another, as I have already mentioned. I have here a letter on the subject of cigarettes :

"Importation of cigarettes by land into Burma is increasing, as is evidenced by the quantity of cigarettes in the Rangoon market, which are being sold at considerably lower rates than those imported by sea. We are afraid that after the monsoon is over even larger quantities of cigarettes will be brought into Burma from Siam, overland. We cannot sit idle and allow our trade to be interfered with much longer, but naturally we are loth to avail ourselves of this particular method of importing cigarettes, if the Government intend to take proper action to protect legitimate trade."

There are similar difficulties owing to the insufficiency of the existing Madras Land Customs Act with reference to the importation of saccharine and gold thread from Pondicherry and some of the European Settlements in India proper. Our object in introducing this Bill now is, therefore, that we may be able to deal with these difficulties, protect legitimate trade in these imported articles and protect our own revenue which is liable to serious inroads if this smuggling into Madras is not checked and also the importation by land into Burma. Our intention originally was to introduce a bigger Bill to consolidate and amend the law relating to sea customs, which is badly in need of bringing up to date, and to incorporate in it clauses dealing with land customs ; but it will probably be six months before we are ready with such a Bill, and possibly a year before such a Bill can be carried through all its stages. In the meantime we do not desire to lose our revenues.

I see there is a motion down to circulate this Bill for opinion or refer it to a Select Committee. As regards circulation I would urge that it is very important that we should get this Bill through this session, if we are to deal with the conditions on the Burma-Siam frontier. As soon as the rainy season is over a big trade in dutiable articles by a method which brings them in free of duty will undoubtedly spring up there unless we have power to deal with it. Circulation could not add very much to the knowledge on which we are acting. There are really three Governments concerned, the Madras Government, the Bombay Government and the Burma Government, at the present moment. All of them are in favour of this Bill and the Madras Government in particular are very urgent that it should be passed, so that they may cease to be in the anomalous position of our agents for the collection of land customs and not our agents for the collection of sea customs. As regards the Select Committee, the Bill is a fairly simple one. Its clauses are taken straight or almost straight

[Sir Basil Blackett.]

from the Madras and Bombay Acts which it is proposed to repeal, and from the Sea Customs Act. In one or two cases they do perhaps improve on their originals, but not in a way that makes any serious modifications in the existing state of affairs. So far, therefore, as Madras and Bombay are concerned, the changes are of comparatively little importance in the matter of changing the existing state of affairs except that they enable the Government of India to do its own work instead of doing it through the agency of the Provincial Government. In the case of Burma, it is, of course, a new power, but it is a power that we desire to possess in order to deal with special circumstances on that developing frontier. I would suggest, therefore, that there is not a great deal for a Select Committee to consider and that this is one of those Bills which might more desirably be dealt with in the House itself. We are prepared to explain the Bill clause by clause when we proceed to its consideration in detail. Any questions or particulars that may arise on particular clauses we shall be in a position to deal with here. I do not know that any exact precedents exist as to what Bill should be referred to Select Committees and what should not. There has been a tendency in this second Assembly to refer more Bills to Select Committees perhaps than during the previous Assembly. But I think that this is a Bill that might very well be taken in the House, and from our point of view it has this advantage that there are already a good many Select Committees on various Bills and Committees on other subjects sitting, and, regard being had for the time of the House and the desirability of getting this Bill through this session, we should very much prefer that the Bill should be taken in the House.

I beg to move that the Bill be taken into consideration.

Mr. Jamnadas M. Mehta (Bombay Northern Division : Non-Muhammadan Rural) : I beg to move :

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st day of December, 1924."

My reasons are these. When the amendment of the Tariff Act was made in March last there was a considerable amount of misapprehension that the Act, as amended, would prejudicially affect the subjects of Native States or British subjects who had dealings with Native States (*Voices :* "Indian States"), Indian States—that is better, and I accept the amendment—and a number of telegrams were received by those who were interested in these States ; as I happen to represent a constituency which is connected with nearly 300 Indian States, I was flooded with telegrams making the most piteous appeals not to make it possible for Government to revive the Land Customs frontier and, with it, the horrible state of things that prevailed for fifteen years at Viramgam and Ranpur making the life of the people almost miserable day in and day out. At that time the Honourable Member in charge of the Bill, Sir Charles Innes, made it quite clear that the Bill did not intend to make any change with respect to the law as it prevailed in respect of these Indian States, that there was legislation in existence in some provinces which could, if necessary, be put in force and land customs frontiers formed on the frontiers of these Indian States, and that the amendment of the Tariff Act was only intended to make it possible for Government to make good the revenue which they were losing on the Siam-Burma frontier and other foreign frontiers. On that representation and also on the assurance given by Sir Charles Innes that there was no intention whatsoever to apply this measure to the Indian

States the House agreed to pass it. Well, Sir, now a measure is brought forward which jointly with the Tariff Act amended last March will touch not only the Indian States which would have been touched before March 1924 but will involve other States which contain nearly one-third of the total population of this country. Moreover, the people who are going to be affected by the Bill before the House are not merely the subjects of these Indian States as some people assume. Persons residing in British districts, our multi-millionaires and captains of industry as also the wage-earning classes, who originally hailed from these Indian States, who have settled in Bombay, Calcutta and other places, and who maintain a constant intercourse between these States and the British territories, will be equally affected. That is the position which, if this measure is passed, will come into being ; until now, the huge Indian States in Central India, Rajputana, and the Sikh States in the Punjab who have not got sea-ports were not touched by any legislation of this kind. It is the first time that a legislation of this character will affect them and they do not know to-day that they are going to be legislated about, and yet, without their knowledge, without giving them any opportunity to put forward their views of the matter, we are asked to pass a piece of legislation which will vitally affect their economic and social existence. Further, Sir Charles Innes had promised that the Tariff Act would not be applied to the Indian States, but the legislation before the House contains no indication that it is to be confined to the Siamese-Burmese frontier and the European settlements in India. If that was made clear, no case for circulation would then exist. Again, the Bill assimilates the procedure of the Sea Customs Act. Anybody who will give a moment's thought to this question will realise that the Sea Customs Act and the Land Customs Act cannot be on the same footing. They are vitally different. For the administration of the Sea Customs Act there are certain well-known ports where alone the landing, exporting and importing of goods can take place. But the matter is quite different when you are concerned with a land frontier. Just take the case of Kathiawar. Imagine a land frontier of one hundred miles. Under the Sea Customs Act in a frontier of 100 miles there will be two or three ports and people will have their goods landed or exported only at these ports. Along a land frontier the population on both sides of the whole of the frontier are in constant intercourse day after day, and hundreds of people have lands on this side of the frontier and on that side of the frontier, and yet the Bill proposes that all communications of goods across the frontier shall take place through certain stations. What can be the result ? Suppose two persons are living within a mile's distance of each other, one on each side of the frontier, and suppose after this Bill becomes an Act a certain route is prescribed for the passage of goods. It then becomes imperative on the persons living there first to carry the goods to the prescribed station on their side of the frontier, ten, fifteen, or twenty miles, and, come back the same distance on the other side of the frontier to the place where they want to go ; if they were allowed to cross the frontier at the nearest point ten minutes would be sufficient for work which under this legislation could only be done in ten hours. And more often it will not be worth while at that rate. Take a concrete instance. Suppose I have to carry five seers of ghee or other agricultural produce from an Indian State one mile across the frontier to British territory. Under the proposed measure I must go to a Land Customs station ten miles from my village and, having passed through all the formalities of this measure, I must cross the frontier there and go ten miles again to reach my destination in British territory. That is the

[Mr. Jamnadas M. Mehta.]

condition of things to which people will be reduced on both sides of the frontier, not merely Indian State subjects but British subjects as well, if this Bill becomes an Act ; and therefore I have moved that it be circulated for opinion. Just see how the matter stands ; only on the 3rd instant leave for the introduction of this Bill was asked for. To-day on the 8th, we are asked to consider and pass it. The people concerned do not know that such a piece of legislation is hanging over their heads. Their number cannot be less than five crores and without giving them any opportunity to represent their case, we are asked to legislate, on such an important matter, a thing unheard of ; and I hope that this House will not tolerate anything of the kind.

We are told that the Bill merely reproduces the legislation in existence in Bombay and Madras. Nothing of the kind. You go far beyond. You make this legislation more drastic than the Provincial Acts are. In the Statement of Objects and Reasons we are told that there are certain defects in these local Acts, that these defects are reported to hamper seriously the attempts of the land customs administration to cope with the extensive smuggling over the land frontiers which has sprung up recently and that the substitution of more effective provisions has for these reasons become a matter of urgency. Therefore, this Bill goes far beyond the local legislation now existing in Bombay and Madras. I will point out one or two instances. Under the Bombay Act, XXIX of 1857, which is now sought to be repealed and replaced by the proposed legislation, there is a provision made for punishing vexatious seizure of goods by Land Customs officers ; but this Bill takes away that right. Further, I do not find in the Bombay Act any provision so drastic as clause 7 of this Bill which says :

"Any person who conveys or attempts to convey to or from any foreign territory or to or from any land customs station any goods by a route other than the route, if any, prescribed for such passage under this Act, shall be liable to a penalty not exceeding one thousand rupees, and the goods in respect of which the offence has been committed shall be liable to confiscation."

I would not mind if that was done subject to judicial investigation, but there is no provision for judicial investigation. It is to be a purely executive act. The officers who seize the goods are to decide whether to inflict the one thousand rupees fine or to confiscate the goods or to do both. Cæsar is to be both prosecutor and judge. Clause 7 therefore is more draconian than the previous legislation, and yet the Honourable Sir Basil Blackett has gone further and proposes to add a new clause (*c*) to that clause 7 which says :

"or aids in so passing or conveying any goods, or knowing that any goods have been so passed or conveyed, keeps or conceals such goods or permits or procures them to be kept or concealed."

I submit Sir, you cannot allow that kind of legislation to be enacted in such a hurry without proper investigation. One more objectionable feature is that, whether the goods are dutiable or not, we are to ask for a permit the absence of which is made penal. If I want to leave Bombay for a place in Kathiawar and if I do not choose to go by the prescribed customs station but by some other route, then, Sir, I must ask for permission for a permit from some Customs Officer located either in Viramgam or Ranpur, and I must ask for a permit saying that I want to take from Bombay to Kathiawar Rs. 500 worth of such and such goods which may not be dutiable under the Indian Tariff Act. The permit may come in

5 days or 7 days or 10 days or in a month and it may happen that I must either go without those goods or go a day after the fair. That is the effect of clause 5. These drastic provisions cannot be passed without further investigation and without knowing the opinions of those whom they affect so vitally. I think there ought to be some limit to hurry in legislation. We are legislating for a certain class of people who do not know the provisions of the proposed measure, and to pass it without giving them an opportunity to represent their case is certainly not passing legislation but issuing Ordinances. Therefore I move that in view of the promise of Sir Charles Innes when the Tariff Act was sought to be amended—I will read that promise—he said on page 450 on the 11th February 1924 (Legislative Assembly Debates) :

" As far as I know, none of the Indian States at present is declared to be foreign territory for the purposes of these powers ",

and then he said :

" As far as I know it is not intended to do that at present..... "

The Honourable Sir Charles Innes : Is that a promise. I made a statement of fact that, as far as I know, it is not intended to do that at present.

Mr. Jamnadas M. Mehta : If that is not some kind of assurance on which we voted, I do not know what it is. The word " promise " is not there.

The Honourable Sir Charles Innes : As far as I know the position is exactly the same at the present moment.

Mr. Jamnadas M. Mehta : The Honourable Sir Charles Innes said :

" As far as I know it is not intended to do that for the present ",

and now you do it. On that promise votes were secured and to-day we know that that promise comes to nothing. On that day it was worth a lot. In view of that promise, for what it is worth, in view of the fact that the people for whom we are legislating do not know what the effect of this legislation will be on them, in view of the fact that this legislation goes far beyond the legislation now in force in Bombay and Madras, and in view further of the fact that it is going to affect the States which were never affected by such legislation in this country, and, lastly in view of the severity of some of its clauses, it would not be wise for this House to proceed without asking the opinions of those who are going to be vitally affected by it. If, as I said at the outset, the Indian States are let out of this legislation, I will allow this Bill to be considered here and now. I do not want that the Government should lose any revenue unnecessarily or that *bonâ fide* merchants should be penalised or that those who are engaged in smuggling should get the better of the honest merchant ; but I certainly do stand for a position that those for whom you legislate shall know what is proposed to be done, that their views shall be heard and that before their views shall be heard you shall not proceed with this kind of legislation.

Sir P. S. Sivaswamy Aiyer (Madras : Nominated Non-Official) : Sir, I beg leave to make a few remarks, not with the object of hampering the progress of the Bill but with the object of eliciting some explanation from the Honourable Member in charge of the Bill. But before I proceed with the remarks which I intended to make, I should like to make a few observations on the motion which has been made by my Honourable friend Mr. Jamnadas Mehta. He seems to assume that this Bill enables

[Sir P. S. Sivaswamy Aiyar.]

the Government to impose customs duties by virtue of these provisions. So far as I have been able to study the provisions of this Bill, it seems to me purely a processual measure, not a Bill which imposes any customs duties, not one which enables the Government to levy any duties at all, but simply one which enables the Government to collect the duties which may be leviable under other enactments in a more effective manner. That, so far as I understand, is the scope of the Bill. The feelings of alarm to which my Honourable friend has given expression seem to me therefore to have been very unnecessarily excited. There is no question in this Bill of subjecting to any fresh duties goods which would otherwise pass from any of the Native States into British India or from India into Native States. The question whether any goods should pass from the Native States into British India or *vice versa* free of any duty raises very wide issues. If, according to the existing practice, such goods have been passed free, the practice should certainly be kept up ; and I may also add that, in view of the interlacing of the territory of Indian States and of British India, it is desirable to have some arrangement by which goods can be passed free, something like a Zollverein. But that is a question which raises very wide issues. Supposing an Indian State is not willing to reciprocate the arrangement, I should be most unwilling to let their goods pass into our territory free of any duty at all. That is a matter which has to be decided upon principles of its own and that question of policy does not arise for consideration here. As I have pointed out, the question of the liability to duty does not arise under this Act at all and most of the objections of my Honourable friend Mr. Jamnadas Mehta fall to the ground.

Another objection which he brought forward was that this Bill is a little more drastic, that some of its provisions are more effective, than the provisions of the Acts which they are intended to replace. But that is the very object of this Bill. If the provisions of the Acts which it is intended to replace served their purpose equally well, I could not understand the object of bringing forward a new measure for doing that which the existing law will enable us to do as effectively. I see no objection therefore to the provisions of clause 7 on that account.

Then again, my friend pointed out that there is no provision for a judicial investigation and for a condemnation by a court and the imposition of a penalty. I see no clause in this Bill taking away the power of the courts, and I should be surprised if it could be held that the customs officer or some other person has the authority to impose a penalty of one thousand rupees, or anything of that kind. The Bill merely creates an offence. The ordinary law will then apply and the penalty will have to be enforced by the courts so far as I can see. I see my friend Mr. Lloyd shaking his head. Of course if it is intended that the jurisdiction of the courts with regard to the liability of a person for penalty under clause 7 is meant to be taken away I should like to know of it.

Mr. A. H. Lloyd (Member, Central Board of Revenue) : Might I draw attention to the fact that one of the sections of the Sea Customs Act sought to be extended is section 182 ? Section 182 of the Sea Customs Act gives Collectors of sea customs power to adjudicate. That means that a large number of offences under the Sea Customs Act are adjudicated by Customs Collectors and not by the Courts.

Sir P. S. Sivaswamy Aiyer : Well, it may perhaps be a matter for consideration whether that provision should or should not be extended. It is not proposed to be done by this Act but indirectly by the application or extension of one of the provisions of the Sea Customs Act. I confess I have not had the advantage of reading the Sea Customs Act in connection with this Bill, but if that provision is in force in the Sea Customs Act and has worked without hardship, I for one see no particular objection to importing that provision into this Bill for the purpose of a more effective realization of the duties leviable under the Indian Tariff Act and Indian Tariff Rules.

Now, Sir, the observation which I myself originally intended to make was in connection with the difficulty I have felt under clause 5, sub-clause (*3*), of the Bill. It says:

"(*3*) Any Land Customs Officer, duly empowered by the Chief Customs-authority in this behalf, may require any person in charge of any goods which such Officer has reason to believe to have been imported, or to be about to be exported, by land from, or to, any foreign territory to produce the permit granted for such goods; and any such goods which are unaccompanied by a permit, or which do not correspond with the specification contained in the permit produced, shall be detained and shall be liable to confiscation."

What I wish to point out is this. The words "any goods which he has reason to believe to have been imported" appear to me to be too wide and the whole clause is expressed without any qualification or regard to distance or time. One does not know.....

Mr. President : If I allow the Honourable gentleman to proceed on that line I shall have to allow a debate. Then we shall have two debates, one now and one on clause 5 when we come to it. I think matters of detail of that kind had better be reserved.

Sir P. S. Sivaswamy Aiyer : If the difficulty I feel is not explained, I shall not be disposed to support the reference to a Select Committee.

Mr. President : We are discussing the circulation of the Bill. The Honourable Member cannot be deprived of his opportunity. If the Bill proceeds at all the opportunity will arise.

The original question was.....

(Mr. Patel rose in his place.)

If Honourable Members wish to continue the debate we must adjourn now. [Other Members rose.] As there is a desire to continue, we had better take it up when we resume at ten minutes to three.

The Assembly then adjourned for Lunch till Ten Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Ten Minutes to Three of the Clock, Mr. President in the Chair.

Mr. President : The Assembly will now resume debate on the motion:

"That the Bill to consolidate, amend and extend the law relating to the levy of duties of customs on articles imported or exported by land from or to territory outside British India be taken into consideration."

Since which an amendment has been moved:

"That the Bill be circulated for the purpose of illiciting opinion thereon by the 31st day of December 1924."

The Honourable Sir Basil Blackett : Sir, taking advantage of the luncheon interval, I have been able to discuss with some of our friends as to the procedure on this Bill. I understand that the difficulty that they feel is with regard to the extension of this Bill to Indian States. There is a good deal of misapprehension on the point, because we already have power under the Madras and Bombay Acts to treat Kathiawar exactly in the way that Mr. Jamnadas Mehta was so much afraid of our treating her under this Bill. There is no new power in respect of Kathiawar, there is no new power in respect of Indian States which are affected by the Madras and Bombay Acts. It is no part of the intention of the Government in introducing this Bill to proceed to apply the provisions of this Bill to any Indian State. The purpose of the Bill is, as stated by me, primarily to deal with foreign European Settlements in India and with foreign States on the borders of India, not merely of British India but of all India. I am prepared, if it meets the wishes of the House, to substitute for the motion which I originally moved a motion for reference to a Select Committee, and I am prepared in the Select Committee to consider to the best of my ability in consultation with legal advisers the possibility of confining the operation of this Bill to foreign States, properly so called. That will not be at all contrary to the intention with which we introduced the Bill, and, in view of the importance which attaches to getting it through quickly, I hope the Select Committee, if that is agreed to, will be able to come to a swift decision, because both the Government and the House must remember that, if we do not get this Bill through soon, we are taking the responsibility of seriously upsetting the legitimate trade of traders in many parts of India as well as of losing revenue which is the tax-payer's due.

Mr. V. J. Patel (Bombay City : Non-Muhammadan Urban) : Sir, in view of the statement made by the Honourable Sir Basil Blackett, I would advise my Honourable friend, Mr. Jamnadas Mehta, not to press his motion to a division. The whole object of the motion of my friend, Mr. Jamnadas Mehta, is to see that what we considered to be an asurance given by the Honourable Sir Charles Innes is carried out in substance, namely, that the Tariff Act, as amended in the March session of this Assembly, was not meant to apply to Native States. Sir Basil Blackett when he spoke in support of his motion pointed out that a huge quantity of cigarettes was coming into Burma through Shan territory, and if this measure is not passed soon, Indian revenues will suffer and there will also be unfair competition amongst merchants, and that therefore it is necessary that this measure should be passed without much delay. A good case for taking this measure into consideration at this session has been made out. At the same time care should be taken that the power which has been vested in the executive to declare any territory ' a foreign territory ' should not be exercised by them to the detriment of the residents of Indian States, in accordance with the promise given by Sir Charles Innes. If this is made clear by the Select Committee by making the necessary amendments in the present Bill, so that it may not be possible to extend the provisions of this Bill to territory other than the Burma-Shan frontier and other frontiers of foreign European Settlements, I think all that Mr. Jamnadas Mehta needs will have been provided for. I do not know whether a formal motion has been moved by anyone regarding reference to a Select Committee. I take it that Sir Basil Blackett has moved that the matter be refered to a Select Committee ?

The Honourable Sir Basil Blackett : I am prepared to do so, if I have not done so.

Mr. V. J. Patel : And also that the terms of reference to the Select Committee should contain instructions that the Committee do amend the Bill so as to restrict the operation of its provisions to the Burma-Shan frontier and other frontiers of foreign European Settlements. If this is done by clear and unambiguous provisions in the Bill, I shall have no objection, but I would not merely rely on the intentions and promises which Sir Charles Innes or Sir Basil Blackett might hold forth, because we find that within a few months such promises are attempted to be explained away. I clearly remember I voted for the amendment of the Tariff Act in March last, simply because I was assured by those who were serving on the Select Committee at that time that the Bill was not going to be applied to Native States at all (*The Honourable Mr. A. C. Chatterjee* : " Indian States ") but it was being enacted for the purpose of meeting that particular contingency, namely, to enable Government to levy duties on imports from the Shan frontier into Burma. Before I resume my seat, I would once again advise my friend, Mr. Jamnadas Mehta, to withdraw this particular motion in favour of the motion that the Bill be referred to a Select Committee with instructions that the Committee do so amend the Bill as to confine it to certain frontiers only.

Mr. M. A. Jinnah (Bombay City : Muhammadan Urban) : Sir, I think there is some confusion in the minds of some Honourable Members when they say that in the Select Committee the matter was discussed and thereafter an assurance was given that the Tariff Act should not apply to the Indian States. That is not quite correct. As far as I understand, Sir, what happened was this. Under the old Act, I mean the Tariff Act—which was sought to be amended by the Bill which was introduced by Government at the last session, the Government already had power by notification to declare any Indian State to be a foreign territory. They already had those powers, and therefore the question then really was to deal with the particular emergency that had arisen, namely, whether the Siamese Frontier should not be brought under the Act as it stood. The Act therefore was sought to be amended for that purpose. We gathered at the time that there was a very strong feeling regarding the position of Indian States and I think the prime mover was my Honourable friend Mr. Dumasia and he brought the question to the front in the course of the debate. Then, Sir Charles Innes, speaking on behalf of the Government, gave his assurance to this extent that the Government had no intention for the present to declare by notification Indian States as foreign territory. Well, now, the Bill before us, Sir, is undoubtedly a very comprehensive Bill. Therefore, so far as the law which enables the Government to levy the duty is concerned, that law is already there and they can declare under the present Tariff Act Indian States as foreign territory. But they have got the machinery for collecting that duty only in two Presidencies, the Bombay Presidency and the Madras Presidency. They propose now to do away with that and substitute this Bill, which is a comprehensive Bill, and which will apply to the whole of India. But although this Bill is a machinery provided for the purpose of collecting duty, it is open to the Government under the present law by notification to declare any Indian State as foreign territory. Once that is done,

[Mr. M. A. Jinnah.]

then this Bill can be utilised for the purpose of collecting duty. Therefore, it is a very comprehensive Bill, but after hearing Sir Basil Blackett, I do not wish to make any proposal from my side yet,—but after hearing him I am satisfied that if we can find a solution and confine this machinery, which is after all a machinery for collecting duty, to properly called foreign territories and foreign States, that is, if we can make some provision which will exclude the Indian States, I think on this side of the House we shall be satisfied. I do not wish to make any particular suggestion just now. But I think it is a matter which might be threshed out in the Select Committee.

Mr. N. M. Dumasia (Bombay City : Non-Muhammadan Urban) : Mr. President, we welcome the announcement made by the Honourable the Finance Minister that there is no intention to apply this Bill to Indian States and impose customs barriers against Indian States. He has removed a great deal of misapprehension and we are grateful to him for the same. I may say that my friend the Honourable Mr. Jinnah has correctly stated the facts as they happened in the Select Committee. At the Select Committee which was appointed at my instance the Honourable Sir Charles Innes made it clear that Local Governments had these powers but as customs duty had become an Imperial item, the Central Government were only taking these powers to themselves which already existed on the Statute-book. He then assured the Committee that there was no intention of extending the operation of the Tariff Bill to the Indian States. I may mention the further fact that when the Viramgam customs barrier was removed, there were new treaties with the States possessing ports at Kathiawad and according to those treaties, I think, Government cannot impose customs barriers without infringing those treaty rights. I am glad that the misapprehension has been removed and I hope the Select Committee will return the Bill in such a revised manner that we shall have no fear that the Act would operate against any Indian States.

Mr. Jamnadas M. Mehta : Sir, in view of the statement made by the Honourable Sir Basil Blackett, I have very great pleasure in withdrawing my motion for circulating the Bill for opinion. I shall be very glad to accede to his suggestion, namely, to refer the Bill to a Select Committee with the proviso that he should find out some way by which the operation of this Bill will be restricted to foreign States outside India's border and to European Settlements in India. My only apprehension was about Land Customs duties on the inland frontier, the working of which was a perfect nightmare to the people of Gujarat and Kathiawar for fifteen years. That apprehension will now be removed.

Mr. President : Is it your pleasure that the motion for circulation be withdrawn ?

The motion was by leave of the Assembly withdrawn.

Mr. Jamnadas M. Mehta : Sir, I move :

"That the Bill to consolidate, amend and extend the law relating to the levy of duties of customs on articles imported or exported by land from or to territory outside British India be referred to a Select Committee consisting of—

Sir Sivaswamy Aiyer,

Diwan Bahadur M. Ramachandra Rao,

Mr. M. A. Jinnah,

Mr. N. M. Dumasia,

Mr. A. H. Lloyd,
Mr. N. C. Kelkar,
Mr. V. J. Patel,
The Honourable Sir Charles Innes,
Mr. Cocke,
The Honourable Sir Basil Blackett, and
myself,

with instructions that it shall not be necessary for more than 4 members to form a quorum and to report by the 15th of September 1924 ",

and with this understanding that a basis shall be found for excluding the Indian States.

Mr. President : Further amendment moved :

" That the Bill be referred to a Select Committee consisting of—
Sir Sivaswamy Aiyer,
Diwan Bahadur M. Ramachandra Rao,
Mr. M. A. Jinnah,
Mr. N. M. Dumasia,
Mr. A. H. Lloyd,
Mr. N. C. Kelkar,
Mr. V. J. Patel,
The Honourable Sir Charles Innes,
Mr. Cocke,
Mr. Jamnadas Mehta, and
The Honourable Sir Basil Blackett,

that the number necessary to constitute a meeting be 5, and that the Committee do report on or before 15th September 1924."

The Honourable Sir Basil Blackett : Sir, I have pleasure in supporting the motion, which I hope will enable us to find a satisfactory solution of the difficulty which is merely one of wording and not one of substance between us. I would like to say that, if the House agrees to this motion, it is proposed to call a meeting of the Committee to-morrow morning at 11 O'Clock.

Mr. President : The original question was :

" That the Bill to consolidate, amend and extend the law relating to the levy of duties of customs on articles imported or exported by land from or to territory outside British India be taken into consideration."

Since which an amendment has been moved :

" That the Bill be referred to a Select Committee consisting of—
Sir Sivaswamy Aiyer,
Diwan Bahadur M. Ramachandra Rao,
Mr. M. A. Jinnah,
Mr. N. M. Dumasia,
Mr. A. H. Lloyd,
Mr. N. C. Kelkar,
Mr. V. J. Patel,
The Honourable Sir Charles Innes,
Mr. H. G. Cocke,
Mr. Jamnadas Mehta, and
The Honourable Sir Basil Blackett,

that the number of members necessary to constitute a meeting be 5, and that the Committee do report on or before the 15th September 1924."

The question is that the Bill be referred to that Select Committee.

The motion was adopted.

THE INDIAN POST OFFICE (AMENDMENT) BILL.

The Honourable Mr. A. C. Chatterjee (Industries Member) : Sir, I beg to move :

"That the Bill further to amend the Indian Post Office Act, 1898, for certain purposes, be taken into consideration."

In asking for leave to introduce this Bill, a few days ago, I explained the objects of the motion and I do not wish to take up the time of the House by repeating what I said on that occasion. I beg to move that the Bill be taken into consideration.

Mr. President : The question is :

"That the Bill further to amend the Indian Post Office Act, 1898, for certain purposes, be taken into consideration."

The motion was adopted.

Clauses 1, 2, and 3 were added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Mr. A. C. Chatterjee : I beg to move that the Bill be passed.

Mr. President : The question is that the Bill be passed.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 10th September, 1924.

*APPENDIX "A".

Correspondence between the Government of India and Local Governments on the recommendations of the Lee Commission.

LETTER FROM THE HONOURABLE MR. J. CRERAR, C.S.I., C.I.E., SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, TO ALL LOCAL GOVERNMENTS, No. F.-172|24-ESTS., DATED SIMLA, THE 18TH JUNE 1924.

SUBJECT.—*Recommendations of the Royal Commission on the Superior Civil Services in India.*

I am directed to address you regarding the method of considering the Report of the Royal Commission on the Superior Civil Services in India. His Majesty's Secretary of State for India attaches great importance to the point emphasised in paragraph 108 of the Report regarding the interdependence of the recommendations. The words used by the Commission are—"Finally in submitting this our Report we wish to emphasise that we regard its main proposals as vitally interdependent, and that unless all are given effect to, violence will be done not merely to the spirit of compromise which has inspired our agreed conclusions, but to the whole structure of our recommendations." The Secretary of State is of opinion that the Report must be considered as a whole and that a decision on general principles must be reached before details are examined. I am to say that the Government of India agree that it is desirable as a preliminary step to arrive at once at a general decision as to whether the main outlines of the Report are acceptable. In arriving at this decision, however, it is not possible altogether to ignore the consideration of certain important factors containing elements of practical detail.

2. The Government of India consider therefore that the following procedure may facilitate the disposal of the Report. They propose to address the Government of Madras, etc., in separate letters dealing with each of the main proposals of the Report. These letters will go only so far into detail as seems necessary for the purpose of reaching practical conclusions on important issues. But the Government of India do not propose to await the answers to these letters before deciding whether the main outlines of the Report can be accepted. They think that it should be possible for Local Governments, when the main points which arise out of the general recommendations have been stated, to arrive rapidly at a general appraisement of the main features of the Report. I am therefore to request that the Government of India may be informed in reply to this letter and in advance of the replies to the more detailed letters dealing with each individual point, whether the Government of Madras, etc., accept the following general propositions. In arriving at a decision I am to ask that the point mentioned in paragraph 1 of this letter regarding the interdependence of the main recommendations may be specially borne in mind. A proposition which there might be some reluctance to accept, if it stood by itself, might prove acceptable as part of the general scheme.

(*a*) That the All-India Services operating in reserved fields should continue to be appointed and controlled by the Secretary of State ;

(*b*) That the Services operating in transferred fields (with the exception of the Indian Medical Service regarding which a further reference will be made) should, as far as future recruits are concerned, be appointed and controlled by Local Governments, existing members of these Services retaining all their present rights and status ;

(*c*) That the integrity and efficiency of the Services should be protected by the constitution of a Public Service Commission and the enactment of Public Service Act ;

(*d*) That recruitment of Indians for the All-India Services dealing with the reserved departments should be increased to the percentages recommended by the Commission ;

(*e*) That relief in the matter of pay should be given to the Services approximately on the Scale proposed—reserving for the moment the question of the exact form which the relief should take and whether relief should be given to Indians in receipt of overseas pay ;

* *Vide* page 2950 of Legislative Assembly Debates, dated 3rd September 1924.

(*f*) That provision should be made for passages for officers and their families at a cost approximately equivalent to Rs. 50 a month for each Officer ;

(*g*) That the pensions of the Uncovenanted Services should be increased by Rs. 1,000 a year as proposed by the Commission in paragraph 70 of the Report.

3. With regard to point (*e*) it will be observed that the Commission disagreed as to the necessity of extending relief to officers holding administrative posts with the exception of those on a pay of Rs. 1,750—100—2,150. The opposing views are set out in Appendix IV of the Report. In stating therefore whether the scale of relief in the matter of pay is accepted I am to ask that it may be indicated whether, without committing itself to the actual details, the Government of Madras, etc., accept generally the view of the English or of the Indian Commissioners.

4. I am to explain that, as stated in the Indian Legislature on the 27th May the Secretary of State and the Government of India are of opinion that whatever measures of relief may be finally sanctioned should have effect, as recommended by the Commission, from the 1st April 1924.

5. In view of the strongly expressed desire of the Secretary of State that some preliminary agreement on these main propositions should be reached at a very early date, I am to request that the Government of India may receive the views of the Government of Madras, etc., not later than the 21st July.

ENDORSED BY THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, No. F.-172-24-ESTS.

Copy forwarded to the Chief Commissioner, N. W. F. P., Coorg and Delhi, for information and with the request that any observations he may have to make should be submitted to the Government of India not later than the 21st July 1924.

LETTER FROM N. E. MARJORIBANKS, ESQ., C.S.I., C.I.E., I.C.S., CHIEF SECRETARY TO THE GOVERNMENT OF MADRAS, No. 472|O.-1, DATED OOTACAMUND, THE 23RD JULY 1924.

I am directed to communicate the views of His Excellency the Governor in Council on the main recommendations of the Report of the Royal Commission on the Public Services, as desired in your letter No. F.-172|24-Ests. The Honourable the Ministers have been consulted and their views when they materially differ from those of His Excellency the Governor in Council are briefly indicated. I am to enclose a copy of their Memorandum.

2. His Excellency the Governor in Council accepts in principle the propositions (1) that All-India Services operating in the reserved fields should continue to be appointed and controlled by the Secretary of State, and (2) that the services operating in the transferred fields should as far as future recruits are concerned be appointed and controlled by Local Governments, the rights of existing members being safeguarded. The considerations set out in Professor Coupland's minute attached to the Commission's Report appear conclusive on this matter. There will, however, be difficulties in the practical application of the principle in case of services that operate or may hereafter operate both in reserved and transferred fields. His Excellency the Governor in Council is not sure that these difficulties are insurmountable but it is unnecessary at present to enter upon a detailed examination of the subject.

The Honourable the Ministers while not objecting to existing members of All-India Services, whether working in the reserved or transferred field, continuing under the control of the Secretary of State, would recruit all future officers on a provincial basis.

3. Subject to the more detailed report on the subject called for in your letter No. F.-178|14|24, dated the 1st July 1924. His Excellency the Governor in Council welcomes the proposals of the Commission that a Public Service Act should be passed and a Public Service Commission set up. Not only does he regard these measures as most desirable, but he also considers it necessary that Provincial Public Service Commissions should be established to safeguard the present and future Provincial Services and even the subordinate services.

4. Subject to the two reservations that follow, His Excellency the Governor in Council accepts the ratio of recruitment of Europeans and Indians proposed by the Commission.

For the Judicial Branch of the Civil Service, His Excellency the Governor in Council considers that a higher proportion of Indians in the cadre than one-half should be attained in the period specified by the Commission. He would further

point out that in paragraph 35 of the report no mention is made of the system of recruitment direct from the bar which at present obtains. Whether the recruitment be by promotion from the Provincial Service or from the bar, the result will presumably be attained by the gradual listing or reservation of a certain number of the District and Sessions judgeships.

In the case of the Forest Service, on the other hand, His Excellency the Governor in Council considers that the recommendation cannot be supported that European recruitment should be reduced to 25 per cent. and is of opinion that the rate of such recruitment should remain for the present at the rate of about one-half. The reasons that compel His Excellency the Governor in Council to make this recommendation will be stated in detail in replying to your letter No. F.-178|10|24-Ests., dated the 21st June 1924. Broadly they are that it is difficult to find suitable Indian recruits for this work which is uncongenial to them and that it is particularly necessary to maintain a strong European element at the present juncture when the department is entering on an era of considerable development.

The Honourable the Ministers are generally opposed to any further European recruitment save for special reasons and on special short term contracts, till the proposed proportion of Indians in the respective cadres has been reached.

5. His Excellency the Governor in Council agrees with the Royal Commission in their recommendations that relief should be given to the services approximately on the scale proposed, reserving for the moment the question of the exact form which the relief should take, and accepts the position that relief should be given to Indians now in receipt of overseas pay. On the further question referred to in para. 3 of your letter under reply, I am to say that His Excellency the Governor in Council supports the recommendations of the English Commissioners and the President of the Royal Commission in regard to the need of extending relief to officers holding administrative posts. Not only do the arguments advanced in support of this view appear to have much greater weight than those urged against the recommendation, but it will produce unjustifiable anomalies to refuse this relief. For example, the present pay of the Third Member of the Board of Revenue and the Revenue Secretary to Government is Rs. 3,000 which is also the total emoluments including overseas pay of the junior Secretaries to Government. Unless therefore the recommendations of the English Commissioners are accepted the result will be that the Revenue Secretary and the Third Member of the Board will be worse off by Rs. 200 per mensem than the junior Secretaries—a result which can hardly have been contemplated even by the Indian Members of the Commission. Further, if the other recommendations of the Commissioners are accepted, but this particular one is not, it would also result that the head of a department such as the Director of Agriculture would be inadequately remunerated. At present the difference in remuneration between him and the senior officers subordinate to him varies from Rs. 250 per mensem to Rs. 500 as the maximum pay of the Selection Grade is Rs. 1,750 whereas his pay is Rs. 2,000—2,250. Unless the proposal of the English Commissioners is accepted this difference would be reduced by from Rs. 50 to Rs. 300 and this would be insufficient to mark the difference between a Head of a Department and the officer under him. The subject will be further commented on in replying to your letter No. 178|11|24-Ests., dated the 21st June 1924.

The Honourable the Ministers have no special objections to urge to the proposals of the Royal Commission on the matter but consider that any relief granted should not involve the presentation of a heavy bill and should not exceed the average savings effected in the next few years by Indianisation and provincialisation.

6. His Excellency the Governor in Council agrees that provision should be made for the grant of passages for officers and their families on the scale recommended by the Royal Commission. It is observed that the recommendation is for the grant of passages on this scale and that the figure of Rs. 50 per mensem is only an estimate of the financial effect. The Commission do not limit their recommendations by this figure.

The Honourable the Ministers while not objecting to giving relief consider that the matter requires further investigation on the ground that some steamer fares have been reduced.

7. His Excellency the Governor in Council accepts the recommendations that the pensions of the Uncovenanted Services should be increased by Rs. 1,000 a year as proposed by the Commission in para. 70 of the Report.

The Honourable the Ministers are opposed to any increase to the pensions of the Uncovenanted Services.

8. The Honourable Sir Muhammad Habibullah having been a member of the Royal Commission does not desire to associate himself with the proposals in this letter in so far as they differ from those of the Royal Commission.

The Memorandum of the Ministers.

The memorandum containing the view of the combined Government of Madras on the questionnaire relating to the organization of services stated, in reply to Question No. 1, that generally speaking there have been in this province no difficulties between Ministers and members of the All-India Services serving in transferred departments and it was hoped that any irresponsible criticism of services will be diminished as further subjects are transferred and the sense of responsibility in the legislature is increased, and further stated that owing to the number of officers now on the cadre of the Imperial Services, recruitment may be shut down almost entirely for the present. There may then be a gradual readjustment on a provincial basis by the replacement of officers retiring, by officers of the Provincial Services. The rights of existing officers being protected it was also considered desirable to give them the option of retiring or continuing to serve under the provincialised system. In the light of the answer given by this Government general propositions have to be considered.

(*a*) and (*b*). Under the existing constitution, we would have no objection to the All-India Services now operating both on the Reserved as well as Transferred fields of the Government being controlled by the Secretary of State, though we would prefer that control being transferred to the Governor General in Council. So far as the future recruits are concerned, in the existing state of affairs, differentiation of recruits in either part of the Government is likely to lead to practical difficulties. There is no reason to depart from the position taken up by this Government in answer to Questionnaire No. 1 (Royal Commission) in regard to future recruitment of Services.

(*c*) We agree to the appointment of Public Service Commission and the passing of Public Service Act.

(*d*) In the proposals of the combined Government, it was suggested that recruitment to the All-India Services may be shut down almost entirely. Therefore, it will follow that further recruitment to the cadre must not be resorted to until a proper proportion of Europeans and Indians is reached. It is on the basis of this understanding that the replies to questions relating to pay, passage and pension were agreed to. We are therefore unable to agree to the proposition as stated. If it be decided that there should be recruitment, we would suggest that the rate of recruitment of Indians should be such as to reach the proportion in ten years, instead of fifteen years that is worked out in the Report. The rate of progress should be accelerated by larger percentage of recruitment of Indians. But this Government "after careful consideration and having regard to all the circumstances" proposed the fixing of the minimum of Europeans at about 50 in a cadre of 148. There is no reason to depart from this proposal. In the case of Police, this Government was of opinion that the reduction of the European element to 40 would go to the limit of safety (out of 85 posts on the cadre). In the case of the P. W. D. we are surprised at the recommendations of the Commission that the existing proportion should continue where the two branches—Roads and Buildings and Irrigation—are combined. This is opposed to the principle of Indianisation and inconsistent with the recommendation itself that one branch of the P. W. D. should be provincialised. Therefore the two branches must be provincialised.

(*e*) Some relief was proposed by this Government, but the form in which that relief should be given was not determined. Any relief that is proposed should not involve the province in a heavy bill and it should not exceed the average savings effected in the next few years by this provincialisation or Indianisation.

(*f*) The rates of passage were very high at the time when the question was raised, but subsequently, certain Liners reduced the passage rates. The concession was intended to be purely temporary while the high cost of passage prevails, until matters return to normal conditions. Therefore the question whether any relief on this ground is now needed requires further investigation. Temporary relief may be given.

(*g*) We don't agree to any increase of pensions to uncovenanted services.

TELEGRAM FROM THE GOVERNMENT OF BOMBAY, DATED THE 26TH JULY 1924.

Your letter No. F.-172|24-Ests., dated 18th June regarding acceptance of main outlines of Lee Commission's Report. Bombay Government accept the seven propositions enumerated in your second paragraph. I am however to state that a minority

of Executive Council do not accept first proposition that Secretary of State should control All-India Services in reserved fields. They consider it essential that control of All-India Services should pass entirely to Public Services Commission to be appointed in India. Their acceptance of remaining proposition (*b*) to (*g*) is dependent upon the acceptance of this transfer of control from Secretary of State to Public Service Commission.

LETTER FROM A. N. MOBERLY, ESQ., C.I.E., I.C.S., OFFG. CHIEF SECRETARY TO THE GOVERNMENT OF BENGAL, NO. 8258-A., DATED THE 9TH JULY 1924.

SUBJECT :—*Recommendations of the Royal Commission on the Superior Civil Services in India.*

I am directed to refer to your letter No. F.-172-24-Ests., dated the 18th June 1924, on the above subject and to say that the Government of Bengal accept the general propositions enumerated in paragraph 2 subject to the following observations as regards points (*c*) and (*e*) :

(*c*) Whilst the Government of Bengal accept the general proposition that the integrity and efficiency of the services should be protected by the constitution of a Public Service Commission, and the enactment of Public Service Acts, they desire to explain that they do not necessarily accept the opinion of the Royal Commission regarding the detailed functions of the Public Services Commission as expressed in paragraphs 27 to 30 of the Report, and propose to deal with this question in a separate communication.

(*e*) The Government of Bengal accept generally the view of the English Commissioners as to the necessity of extending relief to officers holding appointments outside the time-scale.

2. The Government of Bengal agree that whatever measures of relief are finally sanctioned should have effect from the 1st April 1924.

LETTER FROM G. B. LAMBERT, ESQUIRE, C.S.I., I.C.S., CHIEF SECRETARY TO THE GOVERNMENT OF THE UNITED PROVINCES, NO. 3328, DATED NAINI TAL, THE 8TH JULY 1924.

SUBJECT :—*Recommendations of the Royal Commission on the Superior Civil Services in India.*

I am directed to reply to the Home Department letter No. F.-172-24-Ests., dated June 18th, 1924. The Honourable Home Member, the Raja of Mahmudabad, is unable to agree with the opinion expressed in this letter, and I am to enclose a separate minute in which his views are stated.

2. Like the Secretary of State, the Governor in Council is much impressed by the importance of the point emphasised in paragraph 103 of the report of the Royal Commission namely the inter-dependence of the various recommendations made. He realises the care and skill with which numerous conflicting interests have been reconciled, the delicate nature of the balance represented by the sum of the detailed recommendations, and the danger that if any of the main proposals are rejected violence will be done to the whole scheme of the Commission. With this consideration prominently before him, the Governor in Council finds himself able to support all the general propositions (*a*) to (*g*), referred to in paragraph 2 of your letter. In nearly every instance indeed the recommendations of the Commission accord with the advice tendered by the Governor in Council in answer to the questionnaires issued at the outset of the Commission's tour, and where the opinions previously expressed vary slightly from those embodied in the Commission's final recommendations, the divergence is more a matter of detail than of principle. It is not necessary for the Governor in Council to indicate at this stage his reasons for accepting the principles laid down by the Commission. These will be given, as he understands the Government of India desire, in reply to the separate letters dealing with each main proposal which have since been received.

3. With regard to the point raised in paragraph 3 of your letter, I am to say that the Governor in Council without committing himself to details, in general strongly supports the views of the English Commissioners.

4. It is observed that the Secretary of State and the Government of India are of opinion that whatever measures of relief may be finally sanctioned should have effect, as recommended by the Commission, from April 1, 1924. I am to say that the Governor in Council attaches great importance to this pronouncement as mitigating the effects of the unavoidable delay in carrying out the Commission's recommendations.

Minute of the Hon'ble Raja Sir Muhammad Ali Muhammad Khan, Khan Bahadur, K.C.S.I., K.C.I.E., of Mahmudabad, Home Member.

I regret I am unable to associate myself with the draft letter proposed to be sent to the Government of India in connection with the Lee Commission Report.

After going through the Lee Commission Report, I frankly confess that the recommendations of the Commission are far from being satisfactory. Without going into the details, I offer a few observations on only those important points on which the Government of India have particularly asked the opinion of the Governor in Council:

(*a*) I still believe that All-India Services should no more be controlled by the Secretary of State and that the Government of India should appoint and control members of All-India Services.

(*b*) I agree that the services operating in transferred fields, with the exception of the Indian Medical Services, should be appointed and controlled by Local Governments.

(*c*) I agree on principle that a Public Services Commission should be appointed, and I reserve my opinion with regard to details.

(*d*) I adhere to my opinion expressed before the Lee Commission that the recruitment for Imperial Services should altogether be stopped from Europe.

(*e*) I am opposed to the scale of pay proposed by the Commission both for Europeans as well as Indians in receipt of overseas pay.

In view of the present financial difficulties of the Government I am opposed to both (*f*) and (*g*).

ALI MUHAMMAD KHAN.

The 6th July 1924.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF THE PUNJAB, No. 26-CAMP-GAZETTE, DATED THE 30TH OF JULY 1924.

I am desired to refer to your letter No. F.-172|24-Ests., of the 18th of June, 1924, and to convey the following views of the Governor in Council on the seven general propositions summarized in paragraph 2 of your letter. In formulating these views the Governor in Council has given due weight to the point emphasized in paragraph 108 of the Commission's Report regarding the interdependence of their recommendations, to which reference is made in the first paragraph of your letter. It should however be understood that in accepting the main outlines of the Commission's recommendations the Governor in Council does not feel himself precluded from criticizing them in detail at a later stage.

2. This Government accepts the principle that the All-India Services operating in reserved fields should continue to be appointed and controlled by the Secretary of State. Without endeavouring to forecast at this moment the changes in the constitution of the services which may result from the reconsideration of the Government of India Act which will be undertaken in 1929, the Governor in Council considers that for the present it is necessary to retain the general principle of appointment and control by Secretary of State. Any modification of this principle would be likely seriously to impair the chance of securing suitable recruitment to these services.

3. As regards the principle that the Services operating in transferred fields (other than the Indian Medical Service) should, as far as future recruits are concerned, be appointed and controlled by Local Governments, the Governor in Council recognizes that this change is the logical outcome of the existing constitution. He foresees that it will almost inevitably mean the practical cessation of—or at any rate a very marked reduction in—European recruitment for the Services affected, and that probably it will lead eventually to the merging into a single cadre of the existing All-India and Provincial Services operating in transferred fields. Nevertheless the Governor in Council would accept the proposed change subject however to the following provisos:

(*a*) That existing members of the All-India Services in question should, as recommended by the Royal Commission, retain all their present rights and status. The expression "present rights" should be strictly interpreted and should include, for example, the prospects of existing members of those Services of promotion to the selection grade of their cadre. This is a point of detail, but one of vital importance

to members of Services in which the size of the selection grade has been fixed at a certain percentage of the total cadre. Under the new proposal the cadre of the All-India Services operating in transferred fields will gradually diminish as retirements take place, but it would not be fair on present members of those Services that the number of selection appointments should be correspondingly diminished.

(*b*) That a strong and impartial Public Service Commission should be established and a suitable Public Service Act passed.

4. The Governor in Council, as shown above, accepts the recommendation that the integrity and efficiency of the Services should be protected by the constitution of a Public Service Commission and the enactment of a Public Service Act. He desires to emphasize the necessity of making the Public Service Commission a strong and impartial body wholly removed from political influences. There is one point of detail in connection with this proposal to which I am directed to invite attention, as it does not form the subject of reference in your letter No. 178|14|24-Ests., dated the 1st July 1924, dealing with the detailed proposals regarding the Public Service Commission. The Royal Commission has recommended (on page 15 of its report) that an officer dissatisfied with the orders of the Government of India should retain his right of appeal to the Secretary of State, *provided that his case is certified by the Public Service Commission as a fit one for such appeal.* The Governor in Council has reason to believe that grave objection to this proviso will be taken by officers of the All-India Services and he is of opinion that such officers should retain their right of appeal to the Secretary of State without any qualification of the nature suggested. He does not conceive that it is part of the functions of a Public Service Commission to decide in what cases such an appeal would lie.

5. As regards the question whether the recruitment of Indians for the All-India Services dealing with the reserved departments should be increased to the percentages recommended by the Commission, the Governor in Council observes that the Royal Commission's proposals contemplate the Indianization of the four Services concerned (Indian Civil Service, Police, Irrigation Department and Forest Department) on a somewhat more rapid scale than was recommended in my letter to your address No. 26225-Gazette, dated the 25th of October, 1922. At the same time the Governor in Council is prepared to accept the percentages recommended by the Royal Commission as a general guide suitable for application to India as a whole, subject however to the general qualification that suitable proportions of Indian and European recruits must be fixed for each province with reference to its special circumstances. In this connection I am desired to draw attention to the arguments stated in paragraph 7 of my letter of the 25th of October, 1922, against a too rapid reduction of European recruitment for the Indian Civil Service and Police in the Punjab and to explain that since that letter was written the difficulties consequent on the paucity of British officers of these two Services have increased rather than diminished.

As regards the other two Services affected, the Governor in Council is of opinion that the ratio of recruitment proposed for the Forest Department (75 per cent. Indian and 25 per cent. European) is unsuitable for the Punjab in existing conditions. He would prefer a smaller percentage of Indian recruits for some years to come. Similarly as regards the Irrigation Branch of the Public Works Department the proportion in the existing cadre is 58 per cent. European and 42 Indian. Recruitment on the basis proposed by the Royal Commission (40 per cent. European, 40 per cent. directly recruited Indians and 20 per cent. Indians promoted from the Provincial Service) would involve Indianization on a scale which the Governor in Council considers too rapid for application to the Punjab. I am to add, however, that the Honourable the Revenue Member of this Government is prepared to accept the percentages proposed by the Royal Commission for the Forest and Irrigation Departments as suitable.

There is one other point to which I am desired to draw attention in regard to this proposal. An enhancement of the rate of promotion from the Provincial to the All-India branch of a Service is likely to prejudice the prospects of officers now holding inferior appointments in the All-India Services of reaching superior appointments, unless it is definitely laid down that officers promoted from Provincial Services are to be appointed in the first instance to inferior appointments in the All-India Services. This point is of considerable importance in present circumstances, as most of the recruits joining the All-India Services since the War are considerably older than pre-war recruits. In the case of the Police, for example, it is estimated that the recently joined recruits will not be confirmed in the rank

of Superintendent of Police till after they have completed 16 years' service. This period would be considerably prolonged if the number of Superintendentships open to the Provincial Service Officers is enhanced.

6. I am now desired to deal with the question "whether relief in the matter of pay should be given to the Services approximately on the scale proposed by the Royal Commission". The Governor in Council conceives that the object of increasing the emoluments of the Services is two-fold, first to attract to the Indian Services British recruits of the required stamp, who are not at present forthcoming in sufficient numbers, and secondly to allay the discontent and remove the financial embarrassments of officers already in the Services, a matter which in itself has important reactions on the question of recruiting. Whether the relief proposed by the Royal Commission is likely to attain the first object the Governor in Council is not in a position to pronounce, but he confesses to considerable scepticism on the point. It is, however, clear that the relief proposed will not be accepted by existing Members of the Services as adequate to remove their financial embarrassments. He has received within the last few days a number of memorials from the various "Service" Associations in the Punjab, all of which regard the Royal Commission's proposals in this respect with keen disappointment. I am desired to enclose as an appendix to this letter an extract from a communication received from the Civil Engineers' Association, which the Governor in Council considers faithfully reflects the average "Service" point of view regarding these proposals.

Nevertheless, while in doubt whether the recommendations of the Royal Commission will suffice to attract British recruits to the Indian Services and while entertaining no doubt that these recommendations will not fully allay the existing discontent among the Services, the Governor in Council is of opinion that it would be politic to accept the relief now offered rather than to attempt to reopen the whole question. The considerations which make for this conclusion are obvious, and it is perhaps unnecessary to enlarge on them; indeed, the Governor in Council believes that even those members of the Services which now express disappointment at the recommendation of the Commission, would themselves appreciate the undesirability of any such attempt. There is a further point. The Governor in Council fears that if the measure of relief recommended by the Royal Commission be not granted at an early date, this province, which has already suffered severely from retirements on proportionate pension, will have to face further losses of officers from this cause. He would, therefore, accept the relief proposed, but he presumes that the expression used in your letter "approximately on the scale proposed" will not be interpreted as meaning anything less than the relief recommended by the Royal Commission.

7. The Governor in Council agrees in principle to the recommendation that provision should be made for passages for officers and their families at a cost approximately equivalent to Rs. 50 a month for each officer; he does not for the moment enter on a discussion of the detailed proposals, many points in which require separate consideration.

8. The Governor in Council is in favour of the proposal made in paragraph 70 of the Royal Commission's Report that the pensions of the Uncovenanted Services should be increased by Rs. 1,000 a year.

9. With reference to paragraph 3 of your letter under reply the Governor in Council has no hesitation in accepting the view of the English Commissioners as stated in appendix IV (i) of the Report, that relief in the matter of emoluments should be extended to officers, holding posts above the time-scale, but he would not extend such relief to any officers already in receipt of Rs. 4,000 per mensem or more. The Honourable Sardar Bahadur Sundar Singh, Revenue Member of this Government, however, prefers the view taken by the Indian Commissioners on this question.

10. I am desired to add that as the Ministers are concerned with the questions discussed in paragraphs 3 and 4 of this letter, the Governor in Council has consulted them on these questions and will forward their opinions at a later date.

EXTRACT FROM A REPRESENTATION FROM THE CIVIL ENGINEERS' ASSOCIATION, REGARDING THE REPORT OF THE ROYAL COMMISSION ON THE SUPERIOR CIVIL SERVICES IN INDIA.

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2. The recommendations are extremely disappointing, not only "in re" but also "in modo". In response to a definite request, my Association was

at some pains to furnish the Royal Commission with domestic budgets and other statements, conservatively framed, exhaustively checked, and fully explained, every item of which the Association was prepared to justify ; but these statements, upon the accuracy of which my Association based its case, the Commission found itself unable to " examine in detail ", and dismissed as affording merely " strong evidence " of a state of affairs already admitted by Government, by the Macdonnell Committee, and by the preamble to the present report, a state of affairs, in fact, beyond the need of proof.

3. Again even if the direct evidence presented by the Association at the request of the Commission, be ignored, the report itself in paragraphs 44 to 48 (*iii*) affords ample circumstantial evidence that the requests coupled with that evidence were extremely moderate, and that the ultimate recommendations of the Commission are inadequate. My Association is in fact unable to trace any logical sequence between the paragraphs referred to, and the actual recommendations prefaced by the remaining two sub-paragraphs of paragraph 48.

4. The members of this Association do not deny the need for economy in any administration, but they had been led to look to the Royal Commission as an impartial Tribunal to decide between the various Governments in India on the one hand, and members of the services on the other. They feel that if it has not been possible for the Commission to examine in detail the evidence of the Association ; equally it cannot have been possible to determine either the exact financial resources of the various Governments in India, or the precise need and justification for economising at the expense of the superior services. In fact it appears that while one set of evidence has been discounted, the other has been presumed.

5. While my Association believes that at this stage it will be obligatory for the Local Government to confine itself to the consideration and criticism of the actual proposals contained in the report of the Commission, nevertheless it feels that the Local Government should be under no misapprehension as to the feelings of members of the Association with respect to the proposals. The Association still adheres to the carefully prepared and moderate demands which it laid before the Royal Commission as the minimum which will " do something towards restoring the real pay of existing services to the level which proved attractive twenty years ago "; it believes that the recommendations of the Commission are by no means final and are merely a small advance towards that minimum, and that this fact is clearly recognised by the Commission itself by the publication of the minute of Sir Reginald Craddock ; and it dissociates itself completely from the expressions of satisfaction which have appeared in the European Press.

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TELEGRAM FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF BURMA, NO. 790, DATED 21ST JULY 1924.

Your letter F.-172-24-Ests, dated 18th June. Local Government strongly supports view that commissions report should be treated as a whole and that there should be least possible divergence from any particular recommendation in order not to upset balance involved in their conclusions. Further having regard to great discontent of superior services with present conditions it is essential there should be no whittling down of commissions recommendations especially as these have been published and have been accepted by all the services as a compromise, it being generally understood that the Secretary of State would treat them as such and would give effect to them at once. On the seven main points set out in paragraph 2 of your letter this Government advocates acceptance of the commissions recommendations subject to remarks below. Reference paragraph 3 of your letter this Government accepts generally the view of the English Commissioners contained in Appendix IV (1). Finance Member and two Ministers are against retention of any All-India Services being in favour of recruitment throughout on Provincial basis as set out in their reply to commissions questionnaire. Finance Member considers that commissions proposals go too far in case of transferred services and not far enough in case of reserved services and that Ministers will not find it possible to recruit any Europeans for former unless Secretary of State prescribes minimum proportion. His Excellency the Governor and the Home Member were strongly opposed to this differentiation of Burma from the Indian Provinces and indeed regarded proposal as wholly impracticable. Constitution of a Central Public Service Commission is accepted but it is necessary that Burma should have her own separate commission to deal with own Provincial Services for reasons set out

in this office letter 24-T., dated 6th June 1921. Proposed increase pensions uncovenanted services opposed by Finance Member except for present incumbents and future European entrants and accepted by education Minister subject to proviso that proposals as a whole throw no heavy burden on tax payer. Ministers prefer their original proposals as regards rates of pay, etc., and smaller proportion of Europeans in reserved services as fulfilling conditions they consider essential namely no additional burden on tax payer. They however accept commissions main recommendations as these were presented as vitally inter-dependent and result of compromise. Sir Harcourt Butler has been so deeply impressed during his experience for nine years as head of a Provincial Administration by the grave and legitimate discontent in the European services and its effect on the administration that he considers it absolutely necessary to accept the solution now offered and regards the removal of that discontent as essential to the working of the reforms which as they are extended will need more and more all the support which the diminishing European element can give them.

GOVERNMENT OF BIHAR AND ORISSA.

APPOINTMENT DEPARTMENT.

LETTER FROM E. L. L. HAMMOND, ESQ., C.B.E., I.C.S., CHIEF SECRETARY TO THE GOVERNMENT OF BIHAR AND ORISSA, APPOINTMENT DEPARTMENT, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, No. 1689-A.R., DATED RANCHI, THE 22ND JULY 1924.

SUBJECT.—*Recommendations of the Royal Commission on the superior Civil Services in India.*

I am directed to reply to your letter No. F.-172, dated the 18th June 1924, enquiring whether the Local Government accept the general propositions contained in the report of the Royal Commission. It has not been possible in the time allowed by the Government of India to obtain many individual opinions, but Heads of Departments have been consulted, and the opinions of the Honourable Ministers are added as annexures to this report. Speaking generally, the criticisms advanced have been either that the proposals are too expensive, or, on the contrary, that they may fail to attract the right class of recruit. Otherwise, there is a general recognition of the fact that the scheme proposed by the Commission must be regarded as a whole, being in fact a reasonable compromise, the details of which it would serve no useful purpose to reopen. The Governor in Council generally accepts this view, as the need of an expeditious settlement appears to him to be the paramount consideration.

2. On the specific proposals mentioned in paragraph 2 of your letter the views of the Local Government are as follows :

(*a*) His Excellency in Council agrees that it is desirable that officers of the All-India Services operating in reserved fields should continue to be appointed and controlled by the Secretary of State. This is an inevitable corollary to the system of diarchy, unless the Secretary of State was willing to make the requisite delegation to the Government of India, and it was established that recruits of satisfactory quality to the services concerned could be obtained under these altered conditions. Since it is to the ultimate control of the Secretary of State that the services, as now constituted, attach the utmost importance, any change would inevitably hasten their dissolution, and, if that result is to be avoided, is to be most strongly deprecated.

(*b*) Equally as a corollary to the system established by the Reforms, His Excellency in Council accepts the proposition that the services operating in transferred fields (the matter of the Indian Medical Service being excepted for subsequent examination) should, quâ future entrants only, and without derogation of the rights of existing incumbents, pass to the control of the Ministers. That there will be a deterioration in the standard of recruit obtained, the practical disappearance of the European element, and loss of efficiency is probable, but the change is consistent with the status accorded to the Ministers under a system of diarchy, and as it is supported by them, it should not be opposed.

(*c*) Reserving for the present any opinion on points of detail, His Excellency in Council would welcome the appointment of a Public Services Commission as a safeguard to the maintenance of efficient standards and proper methods of recruit-

ment ; also as a source of practical help to Local Governments (should they require its assistance) in the actual examination of candidates, though appointments made by promotion or nomination could never be effectively controlled by such a body and should be excluded from its sphere. If, however, as is apparently contemplated, such a Commission is also to operate as a disciplinary body and a court of appeal for service grievances, questions of difficulty may arise, regarding which an opinion is not now expressed. The enactment of Public Service Acts is theoretically expedient as some guarantee to the Public Services of continuity and fairness of treatment. No Act, however, is unalterable, and the true safeguard to any public servant to be recruited in future should be a legally enforceable contract stating specifically the conditions of his appointment.

(*d*) As regards the rate of Indianization of the Services, I am to refer to Mr. Rainy's letter No. 173-A., dated the 6th January 1923, as indicating that on the merits or finality of any endeavour to fix racial recruitment on a basis of percentages the Local Government are not unanimous, and the majority are sceptical as to the soundness of the procedure. However, as the point is one to which the Indian members of the Commission doubtless attached great importance, it becomes an integral part of the compromise, and should be accepted as such.

(*e*) Speaking generally, and subject to the further consideration of points of detail, the proposals of the Commission in the matter of the pay of Services appear to the Governor in Council to follow a fair line of compromise, and as regards existing incumbents he would accept them as such. Also if the non-alteration of the basic pay is to be regarded as an essential part of the compromise, he would let it stand on that ground, but he is doubtful whether (as regards future recruitment) it falls within that category, and it is certain that widely voiced Indian political opinion would welcome a lowering of the basic or Indian rate, while it is more than probable that a scale of pay in excess of the market rate is at present being offered for the type of Indian officer who is, in fact, being secured. If so, the expediency of starting the Services of the future upon a needlessly high scale of pay is open to the gravest question. Indianization is widely advocated in the interests of economy, and if an economy can be effected, over and above the gradual disappearance of overseas pay, it is not right that it should be neglected.

For European officers the total emoluments suggested by the Commission are not extravagant. Any alteration in the basic rates would, of course, entail consequential changes in overseas pay.

The Local Government are not unanimous in the matter of the extension of relief by the benefit of remission of overseas pay at privileged rates, to officers holding administrative posts. The Honourable Mr. Sinha and the Honourable Ministers, agreeing with the Indian Commissioners, consider that in these posts there should be no difference in the pay of Europeans and Indians. His Excellency in Council, on the contrary, believes that the need for assistance, which is the only true criterion, is as cogent in the later days of service as in the earlier, and except where the post carries with it an increased pension, as for example in the case of High Court Judges or, as proposed by the Commission, in the case of Governors and Members of the Executive Council, he would extend this benefit to all European officers. The anomaly caused by the proposed exclusion of the lowest executive administrative grades from the concession can perhaps best be removed by giving Deputy Inspectors-General of Police, Superintending Engineers and Conservators of Forests higher incremental pay than they draw at present (though not, as proposed by the Commission, the maximum pay of the post), and by admitting them also to the remittance benefit.

In this matter His Excellency in Council is in entire agreement with the views expressed by Lord Lee. The existence of prize posts, as also the proposed increase of pensions to officers holding high administrative posts, does, in fact, offer one of the chief inducements to recruitment, and the argument is not tenable that because in the later days of his service an officer might just be able to carry on, therefore nothing need be done for him. In the first place, if married, he will certainly not carry on without difficulty ; his scale of expenditure will necessarily have gone up and his liabilities will be heavier. Moreover the theory that it will suffice if Government servants at different stages of their career are barely solvent, ignores the course of events in any other following or profession of repute. If a man devotes years of hard and solid work to progress therein, he is entitled to look forward to some reward ; this is an incentive to him to work, and his employer benefits by the work done. The Government in this country has benefited greatly by the Service tradition of hard work, and if that disappears there will be a distinct pecuniary loss to the State, to say nothing of the moral consequences

involved. Whereas the rewards available to even the most successful officers are small.

(*f*) The question of relief in the matter of passages for European officers is one to which the Services attach the utmost importance, and any relief in that respect, combined with assistance in the matter of home remittances, will help greatly to arrest the exodus on proportionate pensions. The principle underlying the proposals of the Commission (subject to subsequent detailed examination) commends itself heartily, therefore, to the Governor in Council.

(*g*) The increase proposed in the pensions of the uncovenanted services appears to the Governor in Council to be reasonable and justifiable.

ANNEXURE A.

Minute by the Honourable Babu Ganesh Datta Singh, Minister of Local Self-Government, Bihar and Orissa.

The report of the Lee Commission is practically based on compromise and the recommendations are interdependent, *vide* paragraph 108. Under the circumstances no useful purpose is likely to be served in examining the recommendations in detail and offering suggestions thereon. I apprehend the financial condition both of the country and the province may stand in the way of their accepting the recommendations as they are not in a position to shoulder any additional burden except at the cost of some vital development projects.

G. D. SINGH.

The 10th July, 1924.

ANNEXURE B.

Minute recorded by the Honourable Sir Muhammad Fakhr-ud-din, Minister of Education, Bihar and Orissa.

It is very difficult to express any definite opinion on the several questions asked by the Government of India in the absence of any public opinion threshed out either in the provincial Legislative Council or the Legislative Assembly. We had already expressed our views in our evidence, written and oral, before the Lee Commission.

It appears that the report of the Commission is based on a compromise spirit and the various recommendations made in the report are interdependent. Paragraph 108 of the report also requires that unless all the proposals are given effect to violence will be done not merely to the spirit of compromise which has inspired their agreed conclusions, but to the whole structure of their recommendations. This recommendation has added further to our difficulty in giving any definite opinion on the various recommendations, but I think at present we have only to give our opinion on the main features of the report, and I propose to answer them as follows :

Paragraph 2.—(*a*) Though personally I have no objection in accepting the recommendation that All-India Services operating in reserved fields should continue to be appointed and controlled by the Secretary of State, but I think it would be wiser and more expedient to delegate this function to the Government of India. This would be also consistent with the popular feeling. The Right Honourable V. S. Srinivasa Sastri described his feeling in the following terms :—" If the constitution was to confer any degree of self-government at all upon the people of India, if the Government of India was to have a modicum of independence of the Imperial Parliament in internal affairs as was proposed, we all thought that the dependence of our country upon the Secretary of State for the recruitment of our services was a mark of degradation. Now, we wish, before the provinces stand on their own feet, that the place of the Secretary of State shall be taken hereafter in these matters by the Government of India, and no political party in India which wishes to command a modicum of respect from the electors can acquiesce in the continuance of the Secretary of State as the final arbiter over our services. " The Secretary of State and his Council have to be deprived of most of the powers they now enjoy."

I think this feeling will find expression in the various provincial councils and the Legislative Assembly.

(*b*) I accept this recommendation.

(*c*) I have no objection to the constitution of the Public Services Commission and the enactment of Public Service Acts. At present I am not required to offer any remarks on the details of the powers of the Public Service Commission with regard to the services operating in the transferred fields.

(*d*) I have no suggestions to offer, as I have already given my views in regard to the percentages of Indians and Europeans in my evidence and the recommendation of the Commission is a compromise. But I am afraid, this will also be a subject matter of hot discussion in the Councils.

(*e*), (*f*), (*g*). I do not wish to make any differentiation between Europeans and Indians in respect of the overseas pay in the matter of relief. If the services have got a genuine grievance they are certainly entitled to relief. But in regard to the recommendations referred to in clauses (*e*), (*f*) and (*g*) the only difficulty which I could point out is the difficulty of finance. It is doubtful if this province will be in a position to bear any large additional burden.

I do not think that we should make any recommendation or anything more than what has been recommended by the Lee Commission. If we once begin to disturb the recommendation made by the Commission in favour of the services, there will be no justification in the Government refusing to comply with the request of the public and the Members of Council to decrease the amount of emoluments recommended by the Commission. It is mainly for this reason that I have accepted generally all the recommendations made by the Commission and referred to in the letter from the Government of India.

FAKHR-UD-DIN.

The 9th July, 1924.

LETTER FROM A. E. NELSON, ESQ., O.B.E., C.I.E., I.C.S., CHIEF SECRETARY TO GOVERNMENT, CENTRAL PROVINCES, No. 2759-III-1268, DATED NAGPUR, THE 21ST JULY 1924.

SUBJECT :—*Recommendations of the Royal Commission on the Superior Civil Services in India.*

I am directed to reply to the Government of India letter No. F.-172-24-Ests., dated the 18th June 1924, asking for the views of the Local Government on certain general propositions arising out of the Report of the Royal Commission on the Superior Civil Services.

2. The Local Government desires strongly to support the view expressed in paragraph 108 of the Report that the main proposals are interdependent and should be accepted as a whole. They, therefore, deprecate a detailed re-examination of the merits of each proposal, and recommend that the report should be accepted as a whole, although on some matters the views of the Commission differ from the proposals made by this Government. They would prefer to confine their recommendations to the removal of any anomalies or inconsistencies in the Report.

3. The first proposition is that the All-India Services operating in the reserved fields should continue to be appointed and controlled by the Secretary of State. The proposal put before the Royal Commission by the Local Government was that the Secretary of State's control should be maintained over the Indian Civil Service and the Police, but that in the other two reserved services (Forests and Irrigation) the European element should be an all-India Service controlled by the Secretary of State and the Indian element should be a Provincial Service controlled by the Local Government. In making this recommendation the Local Government was influenced mainly by considerations of economy. The question has now been re-examined in the light of the arguments advanced by Professor Coupland in his minute attached to the report. Having regard to these arguments and the fact that there is a strong desire among Indians for equal treatment, while the extra expenditure involved in equal treatment will not be excessive, the Local Government is now prepared to support the recommendations of the Royal Commission that all the four services should continue to be appointed and controlled by the Secretary of State. The Honourable Mr. Standen, however, while agreeing that the advantages to be

derived from acceptance of the Commission's report as a whole warrant acquiescence in proposals which would not otherwise commend themselves, desires to state his view that if on consideration of opinions expressed by Local Governments or in the Legislature, the Secretary of State so amends the proposals of the Commission as to disturb the balance of conflicting views represented by the report, the question of the recruitment by Local Governments to indianized posts now in the cadre of All-India Services should be reconsidered on the ground that it is of great importance for the future welfare of the country that the scale of pay should be reduced as soon as possible to that which is sufficient to attract the type of man required and that the least objectionable means of doing this is by provincialization of indianized posts. He further desires to say with reference to Mr. Coupland's note on "the control of the services," that this course will not affect the ability of the Secretary of State to discharge his constitutional responsibility. The business of the reserved departments is already largely conducted by officials provincially recruited and the transfer of some more posts to provincial recruitment will not necessarily prejudice the position of the Secretary of State. It would be a question in each case whether the measure of transfer proposed was such as to affect the maintenance of the desired standard of administration.

4. The second general proposition is that the services operating in transferred fields (with the exception of the Indian Medical Service regarding which a further reference will be made) should, as far as future recruits are concerned, be appointed and controlled by Local Governments, existing members of these services retaining all their present rights and status. The opinion of the Local Government previously recorded coincided with that of the Royal Commission with one exception. In the Education Department a recommendation was made in favour of reserving 12 posts for Europeans to be recruited and controlled by the Secretary of State. In view of the unanimous conclusion of the Royal Commission the Local Government does not desire to press this proposal and accepts the general proposition as it stands.

5. The third general proposition is that the integrity and efficiency of the services should be protected by the constitution of a Public Service Commission and the enactment of Public Service Acts. The Local Government accepts this recommendation without committing itself at present to any opinion on the scope of the Commission's activities.

6. The fourth general proposition is that recruitment of Indians for the All-India Services dealing with the reserved departments should be increased to the percentages recommended by the Commission. The Local Government accepts the percentages for recruitment recommended by the Commission. In its recommendation to the Royal Commission the Local Government, while agreeing with the principle of complete Indianisation of the Indian Forest Service, expressed the opinion that it should proceed only at the rate at which suitable material became available. In accepting, therefore, the percentage of Indian recruitment (75 per cent.) suggested for this service, the Local Government assumes that the Royal Commission was satisfied that Indian recruits with the necessary qualifications will be available to the extent required.

7. The fifth general proposition is that relief in the matter of pay should be given to the services approximately on the scale proposed, reserving for the moment the question of the exact form which the relief should take and whether relief should be given to Indians in receipt of overseas pay. The Local Government accepts this proposition in its general form. With regard to the necessity of extending relief to officers holding administrative posts with the exception of those on a pay of Rs. 1,750—100—2,150, the Local Government desires to support the views of the English Commissioners recorded in Appendix IV of the report. Under the alternative scheme the difference in emoluments between administrative posts and senior posts in several departments will be so small as to give rise to serious anomalies and practical difficulties in filling the administrative posts. These will be explained more fully in reply to the detailed letter of the Government of India on the subject. The Honourable Sir M. V. Joshi, Home Member, dissents from this conclusion, and supports the view expressed in the minute recorded by the Indian members of the Royal Commission.

8. The sixth general proposition is that provision should be made for passages for officers and their families at a cost approximately equivalent to Rs. 50 a month for each officer. The Local Government accepts this proposition in principle, reserving the right to consider whether the legitimate claims of the services cannot be satisfied by the grant of passage money at a lower rate and to examine the accuracy of the estimate that Rs. 50 per mensem is required.

9. The seventh proposition is that the pensions of the Uncovenanted Services should be increased by Rs. 1,000 a year as proposed by the Commission in paragraph 70 of the report. This proposition, which deals with one of the most pressing requirements of the services, is also accepted by the Local Government.

TELEGRAM FROM ASSAM, SHILLONG, NO. 4115-AP., DATED THE 22ND JULY 1924.

Reference your F.-172-24-Ests, June 18th, 1924, regarding recommendations of Lee Commission. Government of Assam feel difficulty in dealing with question owing to uncertainty of future constitutional position but their views on main points stated in paragraph 2 of your letter are as follows. They accept proposition (*a*) but Ministers would stop recruitment of Europeans for 5 years and if European recruitment continues would withhold from future recruits option of retaining all-India status in event of Departments being henceforth transferred. This will be further discussed in reply to your 178-9-24-Ests. of 20th June. They agree to (*b*) and regard (*c*) as an essential condition to (*b*). As regards (*d*) they are unable to state definite view until they have examined your F.-178-10-24-Ests. of 21st June in detail with special reference to Assam. They accept (*e*) so far as Europeans are concerned. As to (*f*) they agree that passages should be provided on scale proposed by Commission. They agree to (*g*). As regards paragraph 3 views of English Commissioners are supported by European members of Government and those of dian Commissioners by Indian members of Government.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

ESTABLISHMENTS.

LETTER FROM THE HONOURABLE MR. J. CRERAR, C.S.I., C.I.E., SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, TO ALL LOCAL GOVERNMENTS, NO. F.-178| 9|24-ESTS., DATED SIMLA, THE 20TH JUNE 1924.

With reference to my letter No. 172|24-Ests., dated the 18th June 1924, I am directed to address you on the main problems connected with the control and organisation of the All-India Services which arise out of the recommendations of the Report of the Royal Commission on the Superior Civil Services in India. The main recommendations briefly are :

(*a*) that the Services operating in the reserved field as specified in paragraph 13 of the Report should continue to be appointed and controlled by the Secretary of State in Council ;

(*b*) that the Services operating in the transferred field as specified in paragraph 14 of the Report (with the exception of the civil side of the Indian Medical Service which will be treated separately) should, so far as future recruits are concerned, be appointed and controlled by Local Governments. Existing members of these Services, however should retain all their present rights and status as officers of All-India Services.

2. These two main recommendations are derived from the application of the same principle, namely that the Services should be controlled by the authority which is ultimately responsible for the administration of the subjects. It would seem, therefore, that the policy advocated should be regarded as a whole.

3. The Commission have not explained in their Report the constitutional basis of these proposals, and indeed it is suggested that the Members, though agreed on the conclusions, did not all accept the general principle stated above, which appears to give logical coherence to the proposals. The theoretical justification of the proposals, however, is fully given in paragraphs 1 to 12 of the Minute by Professor Coupland on the control of the Services. It is not necessary to repeat the arguments contained in this Minute, but the Government of India would invite the special attention of the Government of Madras, etc., to the considerations there set forth.

4. Apart from the arguments based on the existing constitution, there are practical considerations which may be urged in favour of both sides of the policy of the Commission. It has been asserted that in present conditions the transfer of the control of the Secretary of State to the Government of India in regard

to the Services in the reserved departments would give rise to feelings of such discontent and distrust as would probably be fatal to continued recruitment from England. On the other hand, in the transferred departments it is urged that Ministers, though they have been served well and loyally by the members of the Services, feel that in practice the existing system is an undesirable restriction on their powers. The proposal of the Commission that Ministers should be enabled to build up gradually their own Services may be held to give a completeness to the system of transfer of subjects which has hitherto been lacking.

5. At the same time both the main conclusions of the Commission with regard to the control of the All-India Services run counter to views which have been widely expressed on the one hand by politicians and on the other by officials. There has been, as explained in paragraph 12 of the Report, a demand on the part of Indian political opinion for the transfer of the control of the Services on the reserved side to the Government of India. It appears however that the Services must in essentials be under the control either of Parliament or of the Legislative bodies in India, and that if the Government of India ceases to be responsible to Parliament in regard to the control of the Services, it must tend to become responsible to the Indian Legislature. It has to be considered whether this position would be consistent with the existing constitution. On the other hand it may be argued that the change advocated in the control of the Services in the transferred departments will in effect in most cases mean a complete cessation of recruitment of Europeans in these Services and that this will lead to an appreciable deterioration in the efficiency of the administration. With reference to this argument the question arises whether considerations of efficiency are decisive with reference to the transferred subjects, and also whether, as the new system develops, it will be found that the policy of the Ministers rather than the personnel of the Services under them will, in the last resort, determine the standards of efficiency.

6. It should be recognised that the acceptance of the proposals of the Commission comes very near to establishing in effect for the future the principle that, when the transfer of a subject takes place, it should be accompanied by the transfer of the Service dealing with that subject, with the proviso that the rights of the existing members are fully safeguarded. This principle appears to be assumed in the detailed recommendations made by the Commission in paragraph 74 (v) of the Report for the treatment of future British officers when the field of service for which they have been recruited is transferred. The Government of India would be glad to learn the views of the Government of Madras, etc., on this principle and on the actual suggestions made by the Commission in paragraph 74 (v).

7. Before deciding that the Services in the transferred departments should be made over to the control of Ministers dependent on the votes of the Legislative Councils, it is desirable to form some picture of the conditions under which these Services will work and the safeguards that may be provided for them. It would be natural that full powers should be conferred on Local Governments in regard to the existing provincial services both in the reserved and in the transferred departments as well as in regard to the new provincial Services which would perform the functions of the old All-India Services on the transferred side. Delegation of powers would be made by the Secretary of State in Council by means of rules under section 96-B (2) of the Government of India Act. Such rules may either delegate the power of making rules to Local Governments or may authorise the Indian Legislature or local Legislatures to make laws regulating the Public Services. In paragraph 22 of the Memorandum of the Government of India which forms Annexure IV to the Report of the Committee on Division of Functions, it was stated that the Government of India considered that Ministers should not take the Provincial Services entirely into their own hands until they had put questions of recruitment, pay, pensions, etc., on a legal basis by legislation. I am to ask whether it would be preferable to adopt the method of legislation for governing these matters or to allow Local Governments to make rules. If it is decided that legislation should be undertaken the further question will arise whether such legislation should be central or provincial. In view of the differing conditions in the various Provinces and the body of regulations already in force in each province providing for the selection of officials, their promotion, punishments, appeals, etc., it might be held to be more convenient that these matters should be defined by local legislation and that no attempt should be made by undertaking All-India legislation to cast them into a uniform mould irrespective of local conditions. If local legislation were undertaken, it would presumably govern the subordinate as well as the provincial services.

8. It would appear that the points to be dealt with in such legislation might include :

(*a*) methods of recruitment, whether by examination or by selection committees, and the qualifications of candidates ;
(*b*) regulations for promotion and transfer ;
(*c*) regulations for discipline, security of tenure and appeals ;
(*d*) rates of pay, pensions and provident funds ;
(*e*) conditions of service generally including leave.

The Government of India propose to address the Government of Madras, etc., in a separate letter regarding the functions of the Public Service Commission which might in certain circumstances have an important bearing on the recruitment and protection of the Provincial Services.

9. The future of the provincial civil medical administration has been discussed in chapter III of the Report. It might be held that inasmuch as civil medical administration is a transferred subject effect should be given as far as possible in organising a civil medical service to the general principle that may be adopted for Services working in transferred subjects. In the case of the civil medical service, however, the problem is complicated by the desirability of maintaining an adequate military reserve in civil employ and by the problem of providing treatment by British medical officers for British civil servants. The extent to which the actual proposals of the Commission succeed in reconciling these various considerations will require somewhat careful examination, and the Government of India will address the Government of Madras, etc., later on this subject.

10. The Commission contemplate that the Irrigation branch of the Indian Service of Engineers should remain an All-India Service, while the Buildings and Roads branch will, so far as future recruitment is concerned, be provincialised. It is understood that this proposal would present no difficulty in those provinces where the two branches have already been separated. [In some provinces, however, this process has not been carried out. I am to enquire what are the views of the Local Government with regard to the treatment of the Indian Service of Engineers in Madras, etc.].

(In Assam the whole of the public works administration is reserved. The proposals of the Commission therefore contemplate the whole cadre of the Indian Service of Engineers in Assam remaining as an All-India Service. I am to ask whether the Government of Assam support this proposal.)

11. It will be noted that the proposals of the Commission apply only to the Services working in the Governors' provinces. There will remain a certain number of officers in each of the Services, the future recruitment of which it is proposed to provincialise, who will be working directly under the Government of India in central institutions such as Pusa, Dehra Dun or Muktesar or under the minor administrations. There will also be certain officers of the Indian Educational Service engaged on European education which is a reserved subject. The question how these officers are to be obtained in future will form the subject of separate communications.

12. If the proposals of the Commission are accepted, an important point in connection with the organisation of the Services in the reserved departments will remain for decision, namely whether Indians in these Services should continue to be appointed and controlled by the Secretary of State or should be appointed and controlled by the Local Governments or the Government of India. The Commission have not referred explicitly to this point, but from their silence it may be inferred that they intended the existing system to continue, and that they rejected the proposals which had been made to them for a differentiation in the status of Indians and Europeans. It has been left for Professor Coupland in paragraphs 13 to 15 of his Minute on the control of the Services to explain the justification for this conclusion. The arguments on both sides are fully stated by Professor Coupland. I am to ask whether the Government of Madras, etc., accept the view that the balance of advantage lies in maintaining the equal status of Indians and Europeans in these Services. If this view is accepted a further question arises, whether Indians recruited in future should be able, if the field of service for which they have been recruited is transferred, to claim all the privileges which are recommended for British recruits in paragraph 74 (*b*) of the Report. Indian recruits would presumably be forthcoming without these

( ) To Assam only.
[ ] To provinces only in which separation has not been made.
[To Madras, Bombay and B. and O. only.]
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inducements. To offer them the privilege of retirement on proportionate pension may be thought unnecessary. Whether they should be allowed to retain their All-India status is a more doubtful point. I am to ask whether in the opinion of the Government of Madras, etc., it would be reasonable to inform them at the time of recruitment that they would be liable to be placed later under the control of provincial Governments, but that existing rates of pay would be guaranteed to them.

13. If the general position of maintaining the equal status of Indians and Europeans, is accepted, there is one point of importance which has to be faced. Those who advocate the provincialisation of Indians in these Services lay stress on the claim that the Services in a Province should be staffed by men of that province, and they point out the serious danger, in the event of unrestricted competition, of candidates from one or two provinces obtaining an altogether disproportionate share in these vital Services. It may at once be conceded that it is necessary to prevent these Services from being swamped by men from the one or two provinces which are intellectually most advanced. But to rule that only men belonging to a particular province should serve in that province would involve an undoubted lowering of the general standard of the Service in the backward provinces, where there would not be a sufficient supply of men of the standard required. To meet these conflicting considerations it has been suggested that it might be reasonable to prescribe a certain minimum of natives of each province who must be recruited each year. This number might perhaps be three-quarters of the average annual direct recruitment of Indians into the Service in that province. The remaining one-quarter would be open to free competition. Men would be posted primarily to their own provinces. If more men from one province passed than the number of vacancies in that province, the surplus would be distributed among other provinces where the number of provincial men fell short of the total number of provincial vacancies. The effect of this system would probably be that provinces like Bengal and Madras would be staffed entirely by Bengalis and Madrasis. On the other hand, even the most backward provinces would have three-quarters of their own men among their directly recruited Indians. I am to ask the views of the Government of Madras, etc., on this suggestion.

14. To sum up I am to ask for the views of the Government of Madras, etc., on the following points:

(1) whether the services operating in the reserved field should continue to be appointed and controlled by the Secretary of State in Council;

(2) whether the services operating in the transferred field, with the exception of the civil side of the Indian Medical Service, should, so far as future recruits are concerned, be appointed and controlled by Local Governments, existing members of these services retaining their present rights and status as officers of All-India Services;

(3) whether the principle can be accepted that when the transfer of a subject takes place it should be accompanied by the transfer of the service dealing with that subject, the rights of existing members being safeguarded;

(4) whether the suggestions made by the Commission in paragraph 74 (v) of the Report for dealing with British members of the Services, if and when a transfer of the subject for which they have been recruited takes place, appear generally reasonable;

(5) whether full powers should be conferred on Local Governments in regard to all classes of provincial services;

(6) whether the provisions safeguarding the provincial services should depend on rules or legislation, and if on legislation whether such legislation should be central or provincial;

(7) whether there is any difficulty in giving effect to the proposals of the Commission regarding the treatment of the two branches of the Indian Service of Engineers;

(8) whether Indians in the Services in the reserved field should continue to be appointed and controlled by the Secretary of State in Council; if so, whether arrangements of the kind suggested in paragraph 13 of this letter for securing for each province a reasonable proportion of natives of that province are suitable;

(9) what conditions should be prescribed for future Indian recruits in the All-India Services to govern the circumstances contemplated in (4) above.

15. In conclusion I am to request that in view of the great importance of arriving at an early decision on these general questions, the Government of India may receive the reply of the Government of Madras, etc., to this letter not later than the 4th August 1924.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

LETTER FROM N. E. MARJORIBANKS, ESQ., C.S.I., C.I.E., I.C.S., CHIEF SECRETARY TO THE GOVERNMENT OF MADRAS, PUBLIC DEPARTMENT, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, NO. 547, DATED FORT. ST. GEORGE, THE 4TH AUGUST 1924.

In reply to your letter No. F.-178|9|24-Ests., dated the 20th June 1924, I am in the first place to say that as intimated in my letter No. 472|O.-1, dated the 23rd July 1924, His Excellency the Governor in Council accepts in principle the propositions (1) that All-India Services operating in the reserved fields should continue to be appointed and controlled by the Secretary of State, and (2) that the services operating in the transferred fields should, as far as future recruits are concerned, be appointed and controlled by Local Governments, the rights of existing members being safeguarded.

2. So long as there are reserved services and so long as Parliament retains direct jurisdiction over the fields of administration where these services are employed, the control must be with the Secretary of State. On the other hand, where the field of administration is transferred the services employed therein should not be subject to extra-provincial control. It follows also in the opinion of His Excellency the Governor in Council that when the transfer of a subject takes place it should be accompanied by the transfer of the services dealing with that subject, the rights of existing members being safeguarded.

3. In the practical application of these principles there will however be some difficulties arising from the facts that some services are employed both in reserved and transferred fields and that individual members of reserved services are employed in the administration of transferred subjects. In this Presidency the most notable instance of the kind is the Indian Engineering Service which is employed both on Irrigation, a reserved subject, and on Roads and Buildings, a transferred subject. The question of dividing the service into two separate branches has more than once been discussed and the general conclusion reached has been that the division would not only involve considerable increase in expenditure on establishment but would not conduce to economy in work or efficiency. The territorial charges of Irrigation and of Buildings and Roads in this Presidency are coterminous as major and minor systems of irrigation are scattered all over the country and it is impracticable to isolate irrigation areas. A separate executive and other staff for each branch would not have enough work to occupy them whole time. For the time being, therefore, until Irrigation becomes a transferred subject, His Excellency the Governor in Council considers that the Indian Service of Engineers must be an exception to the proposed rule, so far as that portion of the service working in the transferred field of Roads and Buildings is concerned ; and must remain an All-India Service appointed and controlled by the Secretary of State.

As stated in paragraph 11 of the letter under reply certain officers of the Indian Educational Service are engaged on European education which is a reserved subject. It is noted that this case will be dealt with separately.

Lastly certain officers of the Indian Civil Service, a reserved service, are employed in the administration of transferred subjects, *e.g.*, in the appointments of Excise Commissioner, Registrar of Co-operative Societies, Director of Industries. Such officers will also remain an exception to the general rule.

4. Subject to these exceptions, His Excellency the Governor in Council considers that all services engaged on transferred subjects may be provincialized and placed under the control of Local Governments provided that questions of recruitment, pay, pension and the like are placed on a legal basis by legislation and a Public Service Commission is set up. The constitution and functions of such a Commission will be discussed separately in replying to your letter No. F.-178|14|24-Ests., dated 1st July 1924. In regard to the legislation referred to, His Excellency the Governor in Council considers that an Act should be passed by the Central Legislature as early as possible for the benefit both of the existing Provincial services and of the services that will be provincialized. Such legislation should deal in broad lines with the subjects enumerated in paragraph 8 of the letter under reply and should reserve sufficient rule-making power to Local Governments to enable them to adapt the main provisions of the Act to the special conditions of each province.

5. The provincialization of the services employed on transferred subjects further involves the safeguarding of the rights and status of existing members as officers of All-India Services. The proposals of the Royal Commission to secure this end in the case of British members of the services are contained in paragraph 74 (*v*) of their report. His Excellency the Governor in Council accepts these proposals but feels constrained to point out that they do not meet the consequences of the prospective loss of career involved. It is insecurity of career that is more calculated to deter candidates of the right stamp than any other reason. For this however His Excellency the Governor in Council sees no practicable remedy. As regards officers already in the service, while it might be contented that those who entered within the last fifteen years ought to have been aware of the inevitable result of the Indianization of the executive Government which began in 1909-10, the same cannot be said of older entrants : indeed, few of those who entered service before the declaration of August 1917 can have been in a position to forecast later developments. However, as the proposals proceed on the idea that those who are willing shall stay on under personal safeguards and work under the new conditions, His Excellency the Governor in Council finds it difficult, more especially in view of the mixed motives that must influence individual officers, to make any stipulation that provision should be made for compensating transferred officers for loss of careers in addition to granting them proportionate pension.

6. In regard to the question raised in paragraph 12 of the letter under reply, His Excellency the Governor in Council is of opinion that the balance of advantage decidedly lies in maintaining the equal status of Indians and Europeans in the reserved All-India Services and he has no objection to the arrangements proposed in paragraph 13 of your letter for securing for each province a reasonable proportion of natives of that province.

7. On the further question whether Indians recruited in future should be able, if the field of service for which they have been recruited is transferred, to claim all the privileges which are recommended in paragraph 74 (*v*) of the Commission's Report in the case of British recruits, His Excellency the Governor in Council, while disinclined to make any racial distinction, cannot see that there is equal reason to promise to Indian recruits the same terms as to proportionate pensions as the Commission proposes in the case of British recruits, if, as presumably will be the case, Indian recruits will continue to seek service, notwithstanding the prospect of 'transfer,' as readily as heretofore.

8. The Honourable the Ministers, I am to say, adhere generally to the views expressed by them in the memorandum forwarded with my letter No. 472|O.-1, dated the 23rd July 1924. In regard to the particular points discussed in this letter they are opposed to the retention of the Indian Engineering Service as an All-India Service and consider that it should be wholly provincialized notwithstanding that it is employed in part on the reserved subject of Irrigation. They consider that the conditions, etc., of Provincial Services should be regulated by provincial rather than central legislation. They are opposed to the proposals of the Royal Commission in paragraph 74 (*v*) of their report whether applied to British officials or Indian.

EXTRACT FROM A TELEGRAM FROM THE GOVERNMENT OF BOMBAY, DATED THE 6TH AUGUST 1924.

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62. My telegram of the 6th August regarding your five letters on Lee Commission's Report. Government has arrived following decisions, subject so far as minority

concerned to reservation already stated with regard to Secretary of State controlling.

Your letter No. 178-9-24. Questions 1 and 2 accepted, also 3 save that minority would limit safeguarding of rights to existing members, and not future recruits.

Question 4 accepted except by minority.

Questions 5 and 6 will be dealt with in reply to letter on Public Service Commission.

Question 7. No difficulty.

Question 8 accepted save that minority object generally to Secretary of State controlling as previously explained.

Question 9 future Indian recruits should not have right of retirement on proportionate pension ; they should be warned accordingly before recruitment.

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LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF BENGAL, No. 9223-A., DATED THE 2ND AUGUST 1924.

I am directed to refer to your letter No. F.-178|9|24-Ests., dated the 20th June 1924, regarding certain recommendations of the Royal Commission on the superior Civil Services in India. The views of the Government of Bengal have been asked on 9 points and I am to reply to these points *seriatim* as follows :—

(1) & (2). As intimated in letter No. 8258-A., dated the 9th July 1924, the Governor in Council has already accepted these two recommendations.

(3) The Governor in Council accepts the principle that when the transfer of a subject takes place, it should be accompanied by the transfer of the service dealing with that subject the rights of existing members being safeguarded.

(4) The Governor in Council considers that the suggestions made by the Commission in paragraph 74(V) of the Report for dealing with British members of the services if and when a transfer of these subjects for which they have been recruited takes place appear generally to be reasonable. I am to point out, however, that the Report only mentions that existing members of All-India Services operating in the transferred field will retain all the rights of officers of an All-India Service and that future British recruits to an All-India Service may retain their All-India status if and when the field of service for which they have been recruited is transferred. I am to suggest that this privilege might be definitely extended to existing members of All-India Services now operating in the reserved field. I am further to suggest that in order to avoid difficulties of interpretation, the right to retire on proportionate pension should be extended to all officers recruited before the 1st of January 1920.

(5) The Governor in Council is of opinion that full powers should be conferred on local Governments in regard to all classes of provincial services.

(6) This Government has already agreed in the letter referred to above to the enactment of Public Service Acts. The Governor in Council considers that these Acts should be provincial and should govern the subordinate as well as the provincial services. Security of tenure, pensions, etc., as regards individuals would, however, have to be provided by contract and not left open to arbitrary variation by the legislature as against officers already in service, and a certain amount of detail, *e.g.*, in connection with examination rules, would have to be left to be regulated by rules made under the Acts.

(7) There would be no difficulty in Bengal in giving effect to the proposals of the Commission regarding the treatment of the two branches of the Indian Service of Engineers.

(8) & (9). The Governor in Council accepts the view that at present, at any rate, the balance of advantage lies in maintaining the equal status of Indians and Europeans in the All-India Services in the reserved departments. He would also agree to give Indians in the All-India Services all the privileges recommended in paragraph 74(V) of the Report. If these officers are fairly treated, retirements on proportionate pension are not likely to be numerous.

2. The Governor in Council agrees to the suggestion made in paragraph 13 of the letter under consideration.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF THE UNITED PROVINCES, No. 3764, DATED THE 26TH JULY 1924.

I am directed to reply, on behalf of the Governor in Council, to the Home Department letter No. F.-178-9-24-Ests., dated the 20th June 1924. The questions raised will be dealt with in paragraphs corresponding with the headings in paragraph 14 of that letter, where the points at issue are summed up under nine heads. The reply is subject to the note of the Honourable Home Member forwarded as an annexure to this Government's letter No. 3328, dated July 8, 1924. A copy of that note* is attached for reference. (1) "Whether the services operating in the reserved field should continue to be appointed and controlled by the Secretary of State in Council".

The Governor in Council has already intimated his general acceptance of this proposal in reply to letter No. F.-172-24-Ests., dated June 18, 1924. The constitutional argument in favour of recruitment and control by the Secretary of State is complete. As long as there is a Government which is at least partially responsible through the Secretary of State to the Parliament of Great Britain, it is essenial that that side of it which is so responsible should be able to command the services of officers appointed and controlled by the authority whose agent it is. Further, experience during the last three years has amply demonstrated that only on this condition can the requisite European element in the services be obtained. The only alternative controlling agency, *viz.*, the Government of India is, in fact if not in theory, becoming more and more amenable to the Indian legislature and is barred by that consideration. There is no hope that men will be forthcoming from England for service in India, if their destinies are ultimately to be controlled by the Indian Legislature.

(2) "Whether the services operating in the transferred field, with the exception of the civil side of the Indian Medical Service, should, so far as future recruits are concerned, be appointed and controlled by Local Governments, existing members of these services retaining their present rights and status as officers of All-India Services".

This proposal was also accepted in the reply referred to under (1). In his reply to the questionnaire of the Royal Commission the Governor in Council dealt with this question in some detail. He realised that the completeness of a Minister's responsibility for a subject which has been transferred, is impaired unless the Minister is empowered to determine the conditions of employment of his agents and to exercise full control over them. It was not suggested that this consideration must necessarily override all others, and it was recognised in the case of the most important of the services concerned, namely the Educational, that any decline in efficiency, such as might result from the practical cessation of recruitment from Europe, would have serious and far-reaching results. Nevertheless the conclusion was faced that even in regard to this important service the balance of argument was in favour of establishing full ministerial control. In the sphere of primary and university education the exercise of Government control through European agency is already at a minimum, because recent legislation has greatly enlarged the powers both of local bodies and of universities. Secondary education is still formally controlled by Government, but the extent of that control has in practice been greatly weakened by the changes just referred to, and the influence of European officers is a factor of rapidly decreasing strength. The Governor in Council, though not without serious misgivings, thinks that the entire educational service had better now be made over to the control of the responsible Minister.

In the Buildings and Roads branch of the Indian Service of Engineers, the tendency is to transfer obligations to local bodies, and probably more will be done in this direction in future. A decided move along these lines has recently been made in this province. Such provincial work as remains rarely requires the finest professional skill; and it should be possible to leave it to an agency similar to the educational agency contemplated above. It may be hoped that pressure from the Legislative Council and the extended employment of big contractors will provide sufficient safeguards against deterioration.

The same general considerations apply to the Indian Agricultural Service and the Indian Veterinary Service. It is undoubtedly of the utmost consequence to this agricultural country that everything possible should be done to improve its crops and cattle. At the same time there is no such compelling argument in favour of maintaining a service of officers recruited by the Secretary of State as

*Not printed with this letter.

can override the arguments in favour of letting Ministers select their own men. In all the four services named above the Governor in Council would stop therefore the present type of recruitment. He does not pretend to welcome this conclusion, but he sees no practical alternative.

(3) " Whether the principle can be accepted that when the transfer of a subject takes place it should be accompanied by the transfer of the service dealing with that subject, the rights of existing members being safeguarded ".

If it were at this stage necessary to lay down any such general principle, it would be difficult to resist the conclusion here suggested. It would, however, be sounder to refuse to enunciate new principles which are not yet inevitable. There is no reason why the Government of India should tie their hands now, when the problem to be settled may eventually be settled in circumstances widely differing from those of the present day. If the question had to be answered now, there would seem to be only one possible reply, but the Governor in Council does not regard it as sound policy to affirm any principle of general application until the question as a whole has arisen in practical form. It is not by any means certain that logic or constitutional theory will shape all future developments. It is impossible to foresee the mould into which Indian political development may run. What seems inevitable to-day may be susceptible later on of variation, by agreement or otherwise, in an altogether different atmosphere. It is accepted that the subjects hitherto transferred should involve the transfer of the services employed upon them. This would seem to meet all requirements at the present stage.

(4) " Whether the suggestions made by the Commission in paragraph 74 (*v*) of the Report for dealing with British members of the Services, if and when a transfer of the subject for which they have been recruited takes place, appear generally reasonable ".

The proposals are accepted as generally reasonable. There can be no objection to the alternatives allowed by (*a*) and (*b*) of paragraph 74 (*v*) in the Commission's report. With regard to (*c*), however, the wisdom of restricting eligibility for proportionate pension to one year is not apparent. The danger is that this restriction will in practice force into retirement officers who might otherwise continue to serve. There was established a time limit when the existing rules of retirement on proportionate pensions were first promulgated in 1921. It was recognised later that the time limit would drive into retirement a number of officers who were content to stay so long as the gate of exit was not finally locked and barred. The same considerations apply here with added force. The Governor in Council is of opinion that the right to retire on proportionate pension should be unrestricted. He believes that this will result in greater stability and in fewer premature retirements. In any case account must be taken of the fact that officers have leave due to them when they decide to retire. In the 1921 rules the apparent liberality by which a decision was postponed till March 1924 was neutralised by the condition that all leave had to be taken before that date. If any time limit is placed on eligibility for proportionate pension on the transfer of a reserved service, it should be designed to permit of adequate experience of the new system without the risk of losing leave due. With regard to the Commission's proposal regarding the statutory commission of 1929, it seems unnecessary to formulate a decision now. If, however, a decision is considered to be required, the Governor in Council recommends that the right to retire on proportionate pension should be unrestricted. The concession should obviously be extended to officers who joined the services since 1st January 1920. Any such radical alteration of the conditions of service as is involved in the transfer of a service hitherto reserved to the transferred side of the Government should be treated as creating a new situation which entitled all officers then in service to elect for this equitable measure of relief.

(5) " Whether full powers should be conferred on Local Governments in regard to all classes of provincial services ".

There seems no alternative to complete provincial control of the services operating in the transferred departments. Any other solution would perpetuate the complaint which exists to-day, namely that the Ministers and legislatures which are responsible for transferred subjects have not full control of the services concerned with those subjects. No limitation of complete control can be justified in regard to any of the items discussed in the Government of India letter. In the United Provinces the Ministers have already protested against the rules which empower the Governor in Council to regulate the recruitment, etc., of the existing provincial services working in the transferred sphere, and the Governor in Council has supported them. If the All-India Services dealt

with in this reference are transferred, the transfer should be complete. The immediate safeguards must be looked for in the Public Service Acts and in the Public Service Commission; and the ultimate safeguards in the possibility of altering the rules under section 96-B (2) of the Government of India Act to meet new conditions. In regard to the services, which administer the reserved subjects the powers of superintendence and control now vested in the Secretary of State and the Government of India must of course be retained; but, subject to this condition, the Governor in Council can see no objection to the transfer of full authority to Local Governments. In practice these services are already regulated by Local Governments and the few restrictions which still exist, can safely be removed.

(6) "Whether the provisions safeguarding the provincial services should depend on rules or legislation and if on legislation whether such legislation should be central or provincial".

In the case of the services in the transferred departments, the provisions contemplated should depend, as far as possible on legislation. It is impossible indeed to embody in legislation the very numerous provisions which affect the constitution, recruitment, pay, pensions, leave, promotion, transfer and discipline of a number of services. Legislation can, on many points, only provide for the framing of detailed rules. But the object should be to leave as little as possible to rules which can be easily changed and to embody in the Acts all fundamental principles on which the stability of the services depend.

The treatment of this subject is of vital importance to the future stability of the administration. Any marked deterioration in the quality of the services will strike at the roots of good government. The services have hitherto enjoyed in essentials full security from political pressure. Popular control in India will inevitably be capricious at the outset and every reasonable precaution should be adopted to forestall the reaction of political influences on the efficiency and security of the services. The services which administer the reserved subjects stand on a different footing. Their efficiency will not suffer if their recruitment and regulation remain in the hands of the Executive Government. In their case there is not the same need for the security promised by legislation. At the same time it is not improbable that, if legislation regulating the services in the transferred departments is proposed, there will be a demand, which it may be difficult to resist, for its extension to the reserved services. The Governor in Council thinks that it should be left to each Local Government to decide, if and when the time comes, whether the legislation to be undertaken should include these services.

The legislation should be provincial for reasons both constitutional and practical. If the services operating in the transferred field of Government are to be made over to the control of Ministers, their regulation must rest with the legislature, to which Ministers are responsible; and even in the case of the services, which administer the reserved departments, it is difficult to see how their pay, pensions and provident funds which are subject to the vote of the Legislative Council, could be regulated by central legislation. It would be impossible moreover to provide by such legislation for conditions which differ so widely from province to province. The central legislature could at most lay down a few broad principles, and even an enactment so restricted would be resented by Indian opinion as an unwarrantable intrusion into the provincial sphere.

(7) "Whether there is any difficulty in giving effect to the proposals of the Commission regarding the treatment of the two branches of the Indian Service of Engineers".

This proposal presents no difficulty in the United Provinces.

(8) "Whether Indians in the Services in the reserved field should continue to be appointed and controlled by the Secretary of State in Council; if so, whether arrangements of the kind suggested in paragraph 13 of his letter for securing for each province a reasonable proportion of natives of that province are suitable".

The Commission have rejected without discussion (and therefore for reasons which can only be conjectured) the suggestion pressed on them by many witnesses that only the holders of that proportion of posts which was reserved for Europeans should in future constitute the All-India Services, and that the other vacancies as they occurred should be filled by Indians as members of provincial services. The case for and against a differentiation in the status of Europeans and Indians has, however, been fairly summarised in paras. 13 to 15 of the minute

by Professor Coupland. Undoubtedly differentiation would secure certain substantial advantages. Indians would be recruited, as provincial opinion desires, on a provincial basis, and the best material available would be obtained on rates of pay markedly lower than those which are now being paid. Nor is the Governor in Council much impressed by some of the counter arguments advanced by Professor Coupland. It does not seem to him incompatible with the responsibility of Parliament for the reserved field of Government to separate a public service, which operates in a reserved department, into two sections, one of which would be recruited and controlled by a Provincial Government; the reserved departments have for long been administered largely through the agency of provincial services. Again, he is unable to see that this separation would necessarily reduce the benefits derived by Indian officers from association with English officers, or that it would prejudge the development of the constitution. He does, however, attach importance to the second and third of Professor Coupland's arguments. Indian opinion, always sensitive of racial distinctions, would resent the division of Europeans and Indians into two services, and attacks, inspired by racial antagonism, on the European officers, so far from diminishing would tend to increase. Moreover—a point not touched upon by Professor Coupland—if the posts to be held by Indian officers were included in provincial services, the recruitment of officers to fill these posts would in practice be controlled by the Legislative Council, since their pay and pensions would be subject to its vote. The stability and the ordered progress of India have hitherto been dependent on public services controlled by the Secretary of State, and it is important that his control should not be reduced further than is inevitable. The Governor in Council acquiesces therefore in the view that the balance of advantage lies in maintaining the equal status of Indians and Europeans in these services.

At the same time there is no reason, so far as the United Provinces are concerned, why the retention of an All-India status should connote the acceptance of candidates from other provinces. The United Provinces rank as one of the educationally backward provinces, but they have done well at the last two examinations for the I. C. S. and are quite prepared to find their own staff. The Indian Services in these provinces are probably equal to those of any other province, if not actually in intellectual capacity, at least in many of the other attributes of administrators. The unifying ideal of services drawn from different provinces is far ahead of the times, and it is certain that public opinion in this province would be unanimous in favour of provincial recruitment. If the supply of suitable candidates in the more technical services ran short, it would be easy to arrange for their provision from elsewhere. This should be the only reason for going outside the province.

(9) "What conditions should be prescribed for future Indian recruits in the All-India Services to govern the circumstances contemplated in (4) above".

Future Indian recruits must abide by the political changes of their own country. The Governor in Council sees to reason whatever for making special provision for them provided that the rights of existing members of the services are safeguarded. He thinks that they should be informed at the time of recruitment that they would be liable to be placed later under the control of provincial governments, and he would not guarantee that the existing rates of pay would continue to be paid after such transfer. Future Indian entrants will join the services with their eyes open to the possibilities. Their risks are in no way comparable with those undertaken by Europeans who leave distant homes on what can only in future be regarded as an adventure of great hazard. The European element is retained because it is necessary and the safeguards in this instance are a necessary preliminary to securing that element. There seems no reason to think that Indian recruits will not always be available for services in their own provinces on any reasonable terms.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF THE PUNJAB, No. 18859-GAZ., DATED THE 4TH AUGUST 1924.

I am directed to refer to your letter No. F.-178|9|24-Ests., of the 20th of June 1924, on the above subject and to convey the following views of the Governor in Council on the nine questions summarized in paragraph 14 of your letter.

2. The Governor in Council accepts without hesitation the recommendation that the Services operating in the reserved field should continue to be appointed and controlled by the Secretary of State in Council. It is true that certain incidents in the actual exercise of that control have in the past proved embarrassing both to the Government of India and to Provincial Governments; while there have been occasions on which the services may have had reason to doubt whether its exercise really tended

to give them that sense of security which they felt to be essential to contented working. Nevertheless, both on the theoretical and practical side, the arguments used by the Royal Commission in favour of their recommendation are really conclusive. Whatever attractions may be presented by the claim of politicians that control over members of these services should be handed over to the Government of India, the existing form of constitution demands that control should rest with the authority to which the Government of India is itself subordinate in respect of the subjects entrusted to the services in question; while the retention of the control of that authority is, if this Government be not mistaken, essential in the interests of recruitment. It is certain that the devolution of control to the Government of India would, rightly or wrongly, be viewed with suspicion by existing members of the services.

3. The Governor in Council also accepts the recommendation that the Services operating in the transferred field, with the exception of the civil side of the Indian Medical Service, which is not now under consideration, should be appointed and controlled by Local Governments, existing members of these Services retaining their present rights and status as officers of All-India Services. He would, however, qualify this acceptance by two stipulations, first that the transfer to Local Governments of control over the Services in question should be accompanied by the establishment of a strong and impartial Public Service Commission; and secondly, that the present rights and status of existing members of these Services should be carefully defined, preferably by rules made by the Secretary of State in Council under Section 96-B. (2) of the Government of India Act. The Governor in Council has reason to believe that some apprehension is felt by members of the Services in question in regard to this latter point. The members of the Indian Educational Service in the Punjab have represented that the institution of a selection grade, which now constitutes the most substantial factor in the prospects of the existing members of the service, be assured to them in future, and that in any reduction of the cadre of the service which may hereafter be affected under the proposals for provincialization, the present number of posts in the selection grade should be retained, so that the prospects of advancement which existing members now enjoy may not be in any way impaired. The point of this representation is that the number of selection grade posts has been fixed on a percentage of the total cadre, and it would appear to be inevitable that as existing members of the Service retire the total strength of the cadre must be diminished.

4. The next question referred to in your letter is whether the principle can be accepted that when the transfer of a subject takes place it should be accompanied by the transfer of the Service dealing with that subject, the rights of existing members being safeguarded. No specific recommendation to this effect was made by the Royal Commission, though as pointed out in your letter, the principle appears to be assumed in paragraph 74 (v) of the Report. Having accepted the recommendation that the services dealing with the present transferred subjects should be provincialized, the Governor in Council considers that it must logically follow that future transfers should be accompanied by a similar provincialization.

5. In paragraph 6 of your letter you further ask for the views of this Government on the actual suggestions made by the Commission in paragraph 74 (v) of their report. Though the point is not entirely free from doubt, it is assumed that these suggestions in paragraph 74 (v) (c) refer to all existing members of the services, both British and Indian, operating in reserved fields. If so, the Punjab Government regards the proposals as generally reasonable. There does not appear to be adequate reason to exclude Indian Members now in All-India Services from the right of retirement on proportionate pension if the field in which their service operates is transferred after 1929. There is one point in this connection in regard to which the Report is somewhat obscure. It has been represented to the Local Government, and evidence to this effect was, it is understood, given before the Royal Commission, that the privilege of retirement on proportionate pension should be extended to officers who joined an All-India Service after the passing of the Government of India Act, subject to the condition that the privilege must be exercised before the publication of the Report of the Statutory Commission of 1929, even though such officers may continue to work in the reserved field. Many such officers joined when it was impossible to foretell on what lines the reformed constitution would develop and it is, in the opinion of the Governor in Council, only reasonable that if the conditions of their service are radically changed they should be given the privilege of retirement on proportionate pension. It would appear from the final sentence of paragraph 74 (v) (c) of the Report that the Royal Commission considered this claim to be reasonable, but only in the case of the transfer of the subject on which such officers are engaged. The Governor in Council (the Honourable Sardar Bahadur Sardar Sundar Singh, Majithia, dissenting) would go somewhat further

and would extend this privilege to officers who continue to be employed in a reserved department, provided they joined the service before the 1st January 1923. By that date the lines on which the new constitution was likely to develop were clearly marked.

6. In regard to the question whether full powers should be conferred on Local Governments in regard to all classes of provincial services, the Governor in Council considers that all future members of Provincial Services must be subject to the unfettered control of Local Governments acting either as Executive Governments or with their Legislatures. As regards present members of the provincial services, I am to point out that certain rules affecting the provincial services have been made by the Secretary of State under Sections 45-A., and 96-B. (2) of the Government of India Act, and to urge that any delegation of power now made, to whatever authority, should safeguard the position given to the present members of the Provincial Services by the existing rules.

7. The sixth question propounded in your letter is whether the provisions safeguarding the Provincial Services should depend on rules or legislation, and if on legislation whether such legislation should be central or provincial. On this question the Governor in Council holds that the rule-making power conferred by Section 96-B. (2) of the Government of India Act must be delegated to Local Governments ; but that Local Governments must in the interests of the services be bound by certain fundamental restrictions to be laid down by the legislature, such as, that no rule will be valid as against a Government servant if it operates to reduce the pensionary prospects held out by the rules in force when he entered the service ; that no order of dismissal or reduction be made without an explanation being demanded ; that all officers adversely affected by any order be given at least one appeal ; and so forth. This list of restrictions is not of course exhaustive. As restrictions of the kind indicated would be fundamental, the Governor in Council considers that they should be universal, and embodied in an enactment of the Central Legislature.

8. As regards the seventh question referred to in paragraph 14 of your letter, the two branches of the Indian Service of Engineers have already been separated in the Punjab. There would be, therefore, no difficulty in giving effect to the recommendation of the Royal Commission that the Irrigation Branch should remain an All-India Service, while the Buildings and Roads Branch should, so far as future recruitment is concerned, be provincialized.

9. The Governor in Council has given careful consideration to the question whether Indians in the Services operating in the reserved field should continue to be appointed and controlled by the Secretary of State in Council. He recognizes the force of the arguments summarized in paragraph 13 of Professor Coupland's Minute of the 30th of April 1924, in favour of recruiting Indians to those Services by promotion from the Provincial Services or of transferring the vacancies not filled by British recruits to the cadre of Provincial Services. He is satisfied that many Indians who have been recruited for some years past to the Indian Civil Service, and probably also to other All-India Services are no better qualified than those recruited for the Provincial Services, and that to this extent we are paying above the market rate for Indian recruits to the All-India Services. At the same time he feels that the recommendation of the Royal Commission in favour of the continuance of the present system, (which was advocated by this Government in its reply to the Commission's questionnaires) has many cogent arguments in its favour. So long as the Secretary of State is ultimately responsible for the conduct of the reserved subjects, he must have control of the whole of the services operating in that sphere. The Governor in Council at the same time considers that as far as possible the principle should be accepted that Indian recruitment to such services should be made in India, appointment merely being confirmed by the Secretary of State, and that this principle should be recognized in practice when rules regarding recruitment come under review.

As regards the subsidiary question whether arrangements of the kind suggested in paragraph 13 of your letter for securing for each province a reasonable proportion of natives of that province are suitable, the Governor in Council would prefer that the examinations in India for the All-India Services should be so organized as to admit of candidates from each province competing only among themselves. This suggestion is one that has been carried out in the examinations for the Indian Police. Experience has shown that recruits from other provinces do not as a rule make successful officers in the Punjab ; and the Governor in Council has no doubt of the ability of this province to produce candidates who, taking all factors into consideration, will be as satisfactory as those who can be obtained from other provinces.

10. The ninth question propounded in your letter is whether future Indian recruits recruited to the All-India Services should be entitled, if the field of service for

which they have been recruited is transferred, to claim all the privileges recommended for British recruits in paragraph 74 (*v*) of the Report. The Governor in Council considers it only fair that Indian recruits should in the circumstances contemplated be given the option either to retain their All-India status or to enter into new contracts with Local Governments. Nor does he doubt that, in justice, they should be given the option to retire on proportionate pension ; whatever feelings may be entertained in the political world regarding the obligation of Indian Servants of the Crown to accept without demur any political change which may affect their status as such servants, Government could not be excused if it imposed on the Indian Members of All-India Services so drastic an exhibition of artruism. There are notoriously many Indian Members of the services who feel quite as keenly as their British colleagues the disabilities imposed on them by the changes effected under the Reform Scheme.

GOVERNMENT OF BIHAR AND ORISSA.

APPOINTMENT DEPARTMENT.

LETTER FROM E. L. L. HAMMOND, ESQ., C.B.E., I.C.S., CHIEF SECRETARY TO GOVERNMENT, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, No. 1965-A.R., DATED RANCHI, THE 2ND AUGUST 1924.

SUBJECT.—*Proposals of the Royal Commission on Superior Civil Services in India regarding the control and organization of the All-India Services.*

I am directed to reply to your letter No. F.-178—9-24, dated the 20th June 1924, on the recommendation of the report of the Royal Commission on the Superior Civil Services in India as regards the control and organization of the All-India Services. In paragraph 2 (*a*) of my letter No. 1689-A.R., dated the 22nd July 1924, the Local Government accepted the proposals of the Royal Commission that officers of the All-India Services operating in reserved fields should continue to be appointed and controlled by the Secretary of State, and that, as a corollary to the system established by the Reforms, the services operating in transferred fields (apart from the civil side of the Indian Medical Service, which will form the subject of separate consideration), should, so far as future recruits are concerned and without derogation of the rights and status of existing incumbents, be appointed and controlled by Local Governments. As regards the first two points, therefore, raised in paragraph 14 of your letter under reply, I am to state that His Excellency in Council accepts both propositions.

2. As regards the remainder I am to submit the views of the local Government as follows :

(3) When the transfer of a subject takes place, it is difficult to withstand the consequence that it should be accompanied by the transfer of the service dealing with that subject. If, at some date hereafter, an attempt is made to introduce full provincial autonomy, the risks inherent in the acceptance of the principle will be real and serious, but if they are considered to be too great to be undertaken, the true remedy is the postponement of provincial autonomy, and not an attempt to restrict its actual working in a manner which would certainly engender friction, even if, given the attainment of that stage it was practical politics, which almost certainly, it would not be. In any event, the rights of existing members of the service transferred should, of course, be safeguarded.

The Honourable Sir Hugh McPherson does not accept this proposition unreservedly as regards the Indian Civil Service and the Indian Police. He considers that, whatever degree of provincial autonomy may in the future be introduced, the ultimate control of these two services must remain with the Secretary of State. This applies also to the question discussed in the next sub-paragraph.

(4) The Local Government accept the suggestions made in paragraph 74 (*v*) of the Commission's Report as generally reasonable. The case of future Indian recruits as regards this question is dealt with later.

(5) Subject to the safeguarding of the rights of existing members of the services, whether those services have previously been provincial services or have been transferred, His Excellency in Council thinks that full powers should be conferred on Local Governments, with such safeguards only as may be provided by rules or legislation under Section 96-B. (2) of the Government of India Act.

(6) His Excellency in Council considers that provisions designed to safeguard the provincial services can best be made by rules framed by the Local Government in exercise of the powers delegated to it under Section 96-B (2) of the Government of India Act. Rules appear to be safer and simpler than legislation. There are great difficulties about central legislation and grave objections to provincial legislation, and though the Local Legislature will doubtless attempt to influence the Executive as regards the substance of the rules, it will be less directly and completely concerned than would be the case if the matter were determined by local legislation. The only real safeguard for a future recruit will be definite rules laying down the conditions of his service, and a legally enforceable contract on which he could sue in the event of a breach of them.

The Honourable Minister in the Education Department would depend on legislation as far as the main principles are concerned, but on rules for the details. He considers that legislation should not be central but provincial, as each province is in the best position to know its own requirements and finances.

(7) Separate recruitment for the two branches of the Indian Service of Engineers has not yet been introduced in this province, but its introduction should present no difficulty. The annual number of recruits to each branch would be small, and though there might be a certain loss of elasticity the proposals of the Commission that the irrigation branch should remain an All-India Service so far as future recruitment is concerned, while the Roads and Buildings branch should be provincialized, appear to be generally suitable.

(8) In the matter of appointment and control of Indians in the services in reserved fields, it seems desirable to distinguish between recruitment by promotion and recruitment by direct appointment. So far as promoted recruits to services in the reserved fields are concerned, the appointment has hitherto always rested with the Local Government. His Excellency in Council is of opinion that, though the nominal appointment might be made on the Local Government's nomination by the Secretary of State, as has already been done in the case of promotions in the Police Service, the virtual appointment must be continued on the existing basis. So far as directly appointed recruits are concerned, there are two methods :

(*a*) appointment by nomination, and

(*b*) appointment by competition, open or limited.

In the case of nomination, which will probably be on a very restricted scale, the Local Government will virtually appoint, subject to formal confirmation by the Secretary of State. In the latter case, the appointment will be given as a result of competition, whether open competition throughout India or the compartmental system of competition by provinces (as now obtains in the Indian Police), or some such system as that advocated in paragraph 13 of your letter under reply. In all these cases His Excellency in Council considers that the appointment should be by the Secretary of State. It is only in the case of the Local Government's nominations, in respect of promoted officers and recruits appointed otherwise than by competition, that the Secretary of State's appointment would in practice be formal.

As regards the system advocated in paragraph 13 His Excellency in Council is doubtful whether the results in certain provinces might not be extremely unfortunate. The reservation of three-quarters of the average annual direct recruitment of Indians into the service to natives of the province concerned would probably admit into the service of this province candidates of very poor quality, whose place on the India list would be absurdly low. This would cause natural resentment to superior candidates from other provinces who failed to obtain appointments, and the examination, as a competitive test, would become a farce.

As regards the All-India Services on the reserved side, His Excellency in Council considers that the choice has got to be made between two principles. Either candidates should go to their own provinces in order of passing, the balance of provincial requirements (if any) being made up at the discretion of the final authority for these services, such weight as is given at present attaching to candidates' preference : or (as now in the Police) the provincial compartmental system should be frankly adopted. The suggestion of the Government of India has all the disadvantages of a compromise which infringes both principles, and the Governor in Council is unable to defend the adoption of 75 per cent. or any other figure as the minimum for provincial recruits. It is the old trouble of seeking to work to arbitrary percentages. Provincial feeling will almost certainly press for provincial recruits, either sooner or later. The Honourable Sir Hugh McPherson would be willing to accept the solution of the Government of India but on a 50 per cent. basis and with the proviso of a high qualifying minimum total of marks.

As regards service in the transferred field (*ex hypothesi* to be provincialized) it appears certain that local opinion will at once demand that recruitment be restricted to persons domiciled in the province. The Honourable Minister in the Department of Education adheres to his opinion expressed before the Royal Commission that Indians operating in reserved fields should not be appointed by the Secretary of State in Council, and he is not in favour of fixing any minimum percentage for the natives of the province.

(9) His Excellency in Council would prefer not to discriminate on racial lines as regards the conditions of service to be prescribed for future Indian recruits in the All-India Services. These gentlemen will be recruited to the reserved services on the same terms as European recruits, except that the latter will get overseas pay and certain advantages in the matter of passages and remittance benefits. Accepting this position, the question is whether, should their services be transferred at some future date, they should be entitled to the same options as are proposed to be given to European recruits [paragraph 74 (*v*) of the Report], and more particularly the right to go on proportionate pension. The ordinary Indian recruit will not, in fact, want to go on proportionate pension and, on the whole, His Excellency in Council considers that there is not sufficient cause for differentiation. The Honourable Minister in the Department of Education considers that no concession of the kind recommended in the report should be extended to Indian recruits but that, when recruited, they should be given to understand that they may be liable to be placed at any time under the control of the provincial Governments.

GOVERNMENT OF BURMA.

APPOINTMENT DEPARTMENT.

LETTER FROM MR. F. LEWISOHN, C.B.E., CHIEF SECRETARY TO THE GOVERNMENT OF BURMA, HOME AND POLITICAL DEPARTMENT, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, No. 404-A.-24, DATED RANGOON, THE 30TH JULY 1924.

SUBJECT.—*Recommendations of the Royal Commission on the Superior Civil Services in India, for the appointment and control of the Services.*

I am directed to convey the views of this Government on the nine points enumerated in paragraph 14 of your letter No. 178—9-24-Ests., dated the 20th June 1924.

(1) & (2). This Government accepts the view that the services employed in Reserved fields should be appointed and controlled by the Secretary of State and those employed in Transferred fields (other than Medical Services) should so far as future recruits are concerned be appointed and controlled by Local Governments, the existing members of these services maintaining their present rights and status as officers of All-India Services. I am at the same time to say that the Honourable the Finance Member and the two Ministers would have preferred the solution set out in their answer to the Royal Commission's Questionnaire, namely, that recruitment to the present All-India Services (whether working in the Reserved or in the Transferred fields should cease forthwith, and their duties and functions be transferred gradually to new services organized on a Provincial basis for which a minimum proportion of European recruitment would be laid down by the Secretary of State, who would recruit Europeans on behalf of the Local Government, but would not control them, although their contracts would provide for an appeal to him from any order of the Local Government affecting emoluments or prospects. I am to attach a Note in which the Honourable the Finance Member has explained his position more fully.

There is no doubt that in Burma it will for some years to come be difficult, if not impossible to find enough suitable recruits for all the technical services, such as the Service of Engineers. It will therefore be necessary for the Local Government to seek recruits from elsewhere. In replying to the Commission's Questionnaire in a sense differing from that of their colleagues, as set out above, His Excellency the Governor and the Honourable the Home Member took the view that if the principle that the Services in Reserved fields should be All-India Services and those in Transferred fields Provincial Services were adopted for the whole of India, it was politically impossible to adopt a different principle in dealing with Burma, now that Burma has been given the same measure of dyarchy as the Indian Provinces.

(3) This Government accepts the principle that when a subject is transferred, the Service dealing with that subject should be transferred also, the rights of existing members being safeguarded. The Honourable the Finance Member and the Ministers

express the view that if their solution had been accepted, the only alteration consequent on the transfer of a subject would be the reduction in the percentage of European Officers to be recruited in future.

(4) The suggestions made by the Commission in paragraph 74 (*v*) of the Report for dealing with British members of the Services in the case of a subject being transferred appear to this Government to be generally reasonable.

(5) This Government agrees that full power should be conferred on Local Governments in regard to all classes of Provincial Services, it being understood that it would still be open to them to recruit to these Services through the Secretary of State and, when officers are so recruited, to provide in their agreement for an appeal to the Secretary of State and any other safeguards which they may wish to provide.

(6) This Government considers that the provisions safeguarding Provincial Services should eventually depend on Provincial legislation but that it may be convenient at the start to depend on rules.

(7) This point does not arise in Burma.

(8) In view of the special conditions of this province, which have often been represented to the Government of India and which have been recognized in the first sentence of paragraph 6 of Government of India, Home Department Resolution No. 2559, dated the 1st December 1920, in which it is laid down that while the open competitive examination in London would be open to all, Indians successful in that examination would not be allotted to Burma nor successful Burmans to India, it is impossible for this Government to acquiesce in the proposals contained in paragraph 13 of your letter, and it is essential that all non-Europeans who may be appointed to All-India Services in Burma in future should be Burmans, i.e., persons born and domiciled in Burma. It follows that vacancies in the Indian Civil Service and in the Indian (Imperial) Police in Burma cannot be filled by means of open competitive examination at Allahabad. This Government therefore proposes that in addition to the open competitive examination at Allahabad there should be a simultaneous open competitive examination at Rangoon for the Indian Civil Service and for the Police. The number of Burmans to be recruited annually should then be obtained either through the open competitive examination held in London or by the open competitive examination held in Rangoon, the number of vacancies to be filled by the latter means being the total number of vacancies for the year *minus* the number of Burmans who secure a place in the open competitive examination in London in the preceding year. This means that, apart from the London examination, Burmans will compete for appointment in the Indian Civil Service and in the Imperial Police only with Burmans. The results of the open competitive examination at Allahabad have not been very satisfactory from the point of view of Burman candidates; of the two or three who have gone up for the examination only one has been successful. This may be in part due to the great reluctance of the young Burman to go so far afield as Allahabad for the examination. The Local Government believes that if the examination is held in Rangoon the results will be much more satisfactory. It would no doubt be necessary to prescribe a minimum qualifying mark. Should the number of candidates who qualify at this competitive examination in Rangoon be insufficient, the balance should be made up for that year by the promotion of senior officers from the Burma Civil Service and from the Burma Police Service to listed appointments, even though this may involve an increase in the number of listed appointments beyond the maximum which may be prescribed.

(9) If this system is adopted and if it is definitely decided that non-European entrants into the Services in Burma must be persons born and domiciled in Burma this Government considers that the privilege of retirement on proportionate pension should not be offered to them. They should be informed at the time of recruitment that they would be liable to be placed later under the control of the Provincial Government but that their existing rates of pay would be guaranteed.

2. With regard to the remarks on the subject contained in paragraph 12 of your letter, I am to say that this Government considers that so long as Burmans are recruited to the Indian Civil Service and to the Indian (Imperial) Police by means of open competition in London or simultaneous competition in Rangoon, Burmans and Europeans alike should be appointed and controlled by the Secretary of State.

Note by the Honourable the Finance Member on points (i) *and* (ii), viz., *that the Services employed in reserved fields should be appointed and controlled by the Secretary of State and that the Services employed in transferred fields (other than Medical Services) should be recruited by Local Governments.*

I think that these two recommendations are fundamentally unsound. Hitherto all the superior public services have been on the same footing, and it is admitted that in practice the fact that the superior services in the transferred fields have been appointed by the Secretary of State has not been detrimental to the carrying out of Ministers' policies. There is no reason why it should be ; public services should be outside politics. To introduce the principle that the transfer of a subject to the control of ministers involves a change in the control of the public services by which the administration of the subject is conducted is calculated to establish the view that the services are not outside politics, and to encourage the clamour for the transfer of all reserved subjects. The services are there, not to lay down policies but to carry them out, and so long as the authority which lays down the policies to be followed is appointed by the Secretary of State, the latter is in a position to discharge his responsiblities to Parliament for the good government of the reserved subjects. It is no doubt anomalous to maintain the control of the Secretary of State over the superior services which are the agents employed by the ministers in giving effect to their policies to such an extent that his sanction is required to the creation of any new or the abolition of any existing permanent post in these services or to an increase or reduction in the pay of any post, but it is not necessary, in order to remove this anomaly, that the Secretary of State should abandon the power to declare the extent to which Europeans shall be employed in these services as the Commission proposes to do in Recommendation (*ii*) . . . . . The joint authors of the Report on Indian Constitutional Reforms remarked in paragraph 323 that "the English members of the services will continue to be as necessary as ever to India" and they certainly never contemplated the entire elimination of English members from any of the existing All-India Services. The present proposal is put forward to satisfy an entiring reasonable demand for the relaxation of the excessive control which is at present exercised by the Secretary of State and goes a good deal further than is necessary in Burma where it must be recognised that the retention of European recruitment in all services is for some time to come essential.

If the Secretary of State abandons the power to prescribe a minimum proportion of Europeans recruitment for the superior services ministers will find it impossible, however, convinced they may be of the necessity of continuing to recruit Europeans to a certain proportion of the posts in these services, to resist the pressure of popular opinion that all posts should be filled by Burmans. My opinion in brief is that the Commission's proposals go too far in the case of transferred subjects and do not go far enough in the case of reserved subjects.

W. J. KEITH.

LETTER FROM A. E. NELSON, ESQ., C.I.E., O.B.E., I.C.S., CHIEF SECRETARY TO THE GOVERNMENT OF THE CENTRAL PROVINCES, No. 2837-1275-III, DATED THE 25TH JULY 1924.

I am directed to reply to Government of India letter No. F.-178,9|24-Ests., dated the 20th June 1924, asking for the views of the Local Government on the main problems connected with the control and organisation of the All-India Services which arise out of the recommendations of the Report of the Royal Commission on the Superior Civil Services in India.

2. *Paragraph 14 of Government of India letter.—Points* (*1*) *and* (*2*).—The two main recommendations of the Commission are :

(*a*) that the services operating in the reserved field as specified in paragraph 13 of the Report should continue to be appointed and controlled by the Secretary of State in Council ;

(*b*) that the services operating in the transferred field as specified in paragraph 14 of the Report (with the exception of the civil side of the Indian Medical Service, which will be treated separately), should, so far as future recruits are concerned, be appointed and controlled by Local Governments. Existing members of these services, however, should retain all their present rights and status as officers of All-India Services.

With regard to (*a*), the Local Government has no hesitation in supporting the proposals of the Commission, and rejecting any suggestions for the transfer of the Secretary of State's control to the Government of India. Such transfer would,

the Local Government agrees, probably be fatal to continued recruitment from England.

With regard to (*b*), the Local Government's previous recommendation was that the services operating in the transferred field, with the exception of the Indian Educational Service, should, so far as future recruits are concerned, be appointed and controlled by Local Governments, but in the Education Department twelve posts should be filled by Europeans recruited and controlled by the Secretary of State.

In view of the unanimous opinion of the Commission, the Local Government agrees that the constitutional change effected by the Government of India Act should be carried to its logical conclusion by transferring the recruitment and control of all the services working in the transferred departments to the Local Government. The risk of any loss of efficiency on this account must be faced. The acceptance of the views of the Royal Commission on this point involves the withdrawal by the Local Government of its previous recommendation in favour of the reservation of certain posts in the Educational Department.

3. *Point* (*3*).—From the acceptance of the proposals of the Commission regarding the control of the services working in the transferred field, it logically follows, the Local Government considers, that when the transfer of a subject takes place in future it should be accompanied by the transfer of the service dealing with that subject, the rights of existing members being safeguarded.

4. *Point* (*4*).—In paragraph 74 (*v*) of the Report the Royal Commission have recommended that in the case of all future British recruits to the All-India Services a rule should be made and a clause inserted in their contracts giving them certain options, if and when the field of service for which they have been recruited is transferred. These suggestions, which are made in the interests of recruitment, are regarded as reasonable by the Local Government. It is difficult to see what additional incentives to recruitment could be provided under a constitution which is liable to modification at regular intervals.

5. *Points* (*5*) and (*6*).—The Local Government agrees that full powers over present and future provincial services should be delegated to Local Governments by means of rules under section 96 (*B*) (2) of the Government of India Act. To secure the satisfactory treatment of questions connected with recruitment, pay, pension, etc., of the provincial services, the Local Government would prefer to proceed by way of legislation rather than by rules. A statute, which requires time and persuation for its modification, is likely to give the services a stronger sense of security than a set of rules which can be altered more easily. Whether the legislation should be provincial or central depends on the service conditions in the various provinces. If, as is thought to be the case, these conditions do not vary in essentials, then the Local Government would favour central legislation. The ideal arrangement would, the Local Government considers, be an Act by the central legislature laying down on the broadest lines the conditions of service for the provincial services, supplemented by provincial legislation for the subordinate services, further supplemented in both cases by provincial sets of rules to cover the details of the respective services.

6. *Point* (*7*).—The proposal of the Commission that the Irrigation Branch of the Indian Service of Engineers should remain as an All-India Service, while the Buildings and Roads Branch, will, so far as future recruitment is concerned, be provincialised, presents no difficulty in this province where the two branches have already been separated.

7. *Point* (*8*).—With regard to Indians in the services in the reserved field, the Local Government's previous recommendation was that in the Indian Civil Service and Indian Police Service, both the Indian and European element should continue to be appointed and controlled by the Secretary of State in Council. In the other two services operating in reserved fields, *viz.*, the Indian Forest Service and the Indian Service of Engineers (Irrigation Branch), while the European element should continue to be appointed and controlled by the Secretary of State, the Indian element should be organised into a superior branch of the provincial service. In making this recommendation the Local Government was influenced mainly by considerations of economy. The recommendation of the Royal Commission is based on the principle that the services should be controlled by the authority which is ultimately responsible for the administration of the subjects. Having regard to this principle, and the fact that there is a strong desire among Indians for equal treatment, while the extra expenditure involved in equal treatment will not be excessive, the Local Government is now prepared to accept the recommendation of the Commission that both the European and the Indian element in the services operating in the reserved field should be appointed and controlled by the Secretary of State.

The Honourable Mr. Standon, however, while agreeing that the advantages to be derived from acceptance of the Commission's Report as a whole warrant acquiescence in proposals which would not otherwise commend themselves, desires to state his view that, if on consideration of opinions expressed by Local Governments or in the legislature the Secretary of State so amend the proposals of the Commission as to disturb the balance of conflicting views represented by the Report, the question of the recruitment by Local Governments to Indianised posts now in the cadre of All-India Services should be reconsidered on the ground that it is of great importance for the future welfare of the country that the scale of pay should be reduced as soon as possible to that which is sufficient to attract the type of man required and that the least objectionable means of doing this is by provincialisation of Indianised posts. He further desires to say, with reference to Mr. Coupland's note on "the control of the services", that this course will not affect the ability of the Secretary of State to discharge his constitutional responsibility. The business of the reserved departments is already largely conducted by officials provincially recruited and the transfer of some more posts to provincial recruitment will not necessarily prejudice the position of the Secretary of State. It would be a question in each case whether the measure of transfer proposed was such as to affect the maintenance of the desired standard of administration.

8. Assuming that Indians in the services in the reserved field will continue to be appointed and controlled by the Secretary of State, the next question for consideration is the best method of securing that a reasonable proportion of this Indian element shall be recruited from natives of the province concerned. The Local Government considers that there would be practical difficulties in carrying out the suggestion of the Government of India that a certain minimum of natives of each province should be prescribed who must be recruited each year. The principle which appears to the Local Government to be most suitable to the circumstances of this province is that the natives of the province should be taken first, provided they reach the requisite standard; if residents with the necessary qualifications are not forthcoming, then the appointments should be given to outsiders. In the case of services, for which recruitment is by competitive examination, this will involve the fixation of a qualifying standard.

9. *Point* (9).—The last question for consideration is what conditions should be prescribed for future Indian recruits in the All-India Services if the field of service for which they have been recruited, is transferred. The Local Government considers that the inducements suggested in paragraph 74 (v) of the Report for recruitment of British Officers are not required in the case of Indians and that it is not necessary either to offer them the privilege of proportionate pension or to allow them to retain their All-India status. The Local Government considers that Indian recruits might reasonably be informed at the time of recruitment that they will be liable to be placed later under the control of provincial Governments, but that existing rates of pay will be guaranteed to them.

GOVERNMENT OF ASSAM.

THE GOVERNOR IN COUNCIL.

APPOINTMENT AND POLITICAL DEPARTMENT.

APPOINTMENT BRANCH.

LETTER FROM A. W. BOTHAM, ESQ., C.I.E., I.C.S., CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM, APPOINTMENT AND POLITICAL DEPARTMENT, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, NO. APPTT.-1144—4249-A.P., DATED SHILLONG, THE 4TH AUGUST 1924.

With reference to your letter No. F.-178-9-24—Ests., dated the 20th June 1924, on the subject of the main problems connected with the control and organisation of the All-India Services which arise out of the recommendations of the Report of the Royal Commission on the Superior Services in India, I am directed to communicate the views of the Government of Assam.

2. The recommendations of the Royal Commission and the Government of India's proposals which are developed from them are apparently based on the assumption that there is a clear cut distinction between services operating in the reserved field, and those operating in the transferred field; and among the former the Commissioners have included, for instance, the Indian Civil Service. This classification is

perhaps not strictly correct. As Professor Coupland has pointed out in paragraph 5 of his minute on the control of the Services at page 116 of the Report, the Indian Civil Service is at present employed both in the reserved and in the transferred field. Under Devolution Rule 11, when an officer performs duties both in a department dealing with reserved subjects and in a department dealing with transferred subjects, the decision as to the department he shall be deemed to be serving in is vested in the Governor. In cases therefore where a transfer of subject from the reserved to the transferred field takes place, and where the service hitherto dealing with that subject still retains bilateral functions after such transfer, the provisions of Devolution Rule 11 will presumably still apply.

3. Subject to these remarks, I am now to indicate the views of the Government of Assam on the several points enumerated in paragraph 14 of your letter :

(1) The Government of Assam accept the view that services operating in the reserved field should continue to be appointed and controlled by the Secretary of State in Council.

(2) The proposition that services operating in the transferred field, with the exception of the civil side of the Indian Medical Service, should, so far as future recruits are concerned, be appointed and controlled by Local Governments, existing members retaining their present rights and status as officers of All-India Services, is similarly accepted.

(3) That the transfer of a subject from one field to another should be accompanied by the corresponding transfer of the service dealing with that subject, would appear to be the logical outcome of such transfer. The rights of existing members of services affected by such transfer must of course be duly safeguarded and the interests of new entrants must also receive adequate protection.

(4) As intimated in my telegram No. 4115-A.P., dated the 22nd July 1924, the Honourable Ministers are of opinion that all future British recruits to the All-India Services should, in the event of the field of service for which they were recruited being transferred, be given merely the option of entering into new contracts with the Local Government or of retiring on proportionate pension. They feel that, if such officers were allowed to retain their All-India status, serious complications might arise. The Governor in Council apprehends that British recruitment would be seriously hampered if British officers were deprived of the option of retaining their All-India status in the event of the service for which they were recruited being transferred. On the other hand, it is undeniable that cases might arise in which it would not be in the public interest to retain an officer with an All-India status in a service under the control of a Minister, and it is not unreasonable to allow the Local Governments of the future some freedom of action in the matter. The Governor in Council accordingly suggests that in addition to the alternatives laid down in paragraph 74 (*v*) of the Commission's report it should be provided that, if an officer wished to remain in service retaining his All-India status and the Local Government did not agree, it should be open to the Local Government to compel him to retire on proportionate pension, granting him, in addition to all leave earned, a lump sum, which might amount to one year's pay, as compensation for the loss of his career. The Honourable Ministers would be willing to accept this compromise in lieu of their former proposal that officers, remaining after the transfer of the service to which they belong, should not in any case be allowed to retain their All-India status.

(5) and (6). The questions whether full powers should be conferred on Local Governments in regard to all classes of provincial services, and if so, how the necessary safeguards should be provided, are closely connected and it is proposed therefore to consider them together. The whole Government are agreed that Local Governments must be given powers of control over all classes of provincial services, but they are not agreed as to the degree and scope of protection which should be afforded to these services, or as to the means through which this protection should be secured. The Honourable Ministers consider that, in as much as conditions differ in the various provinces, the enactment of the requisite safeguarding legislation should be left to the provincial legislatures. The Governor in Council, on the other hand, anticipates considerable difficulty in inducing provincial legislatures to tie their own hands by providing reasonable and adequate safeguards, and it seems certain that

if the matter was left to them, there would be great variations not only in details but also in material conditions of service between different provinces. The main principles required to guard against nepotism in making appointments and promotions, and to provide security of tenure and an adequate right of appeal against injustice, will be the same in all provinces, and in the opinion of His Excellency in Council, they should be laid down by some authority outside the provincial legislatures. It might be possible for the Secretary of State to frame Fundamental Rules laying down basic principles for general application and to give Local Governments power to frame subsidiary rules for the detailed application of these principles to the services under their control. On the other hand, if the Secretary of State is in future to have no concern with the provincial services, this course might be constitutionally incorrect, and in that case it might be best to pass a short Act through the Central Legislature, laying down the broad principles, and giving Local Governments power to frame detailed rules not inconsistent with the Act. It might also be advisable, at any rate in the case of the more important services, to devise a mutually binding legal covenant on the lines suggested in paragraph 85 of the Commission's report for members of the All-India Services.

(7) As in Assam the whole of the Public Works Department is at present reserved, there will be no difficulty in applying the proposals of the Commission to it. For the reasons given in paragraph 14 of my letter No. 447-C., dated the 1st July 1924, dealing with the working of the reformed constitution in Assam, the Governor in Council proposes that the Public Works Department should continue to be a reserved department for the present and is unable to recommend the transfer of a portion.

(8) The Indians employed in the reserved field referred to in this clause are presumably those belonging to All-India Services. If this presumption is correct, the Government of Assam agree that they should continue to be appointed and controlled by the Secretary of State in Council. As to whether arrangements of the kind suggested in paragraph 13 of your letter would be suitable for securing to each province a reasonable proportion of natives of that province, opinions are much divided. No candidate from Assam has hitherto succeeded in passing into the Indian Civil Service or the Indian Police Service by open competition, and those who have qualified for appointment by nomination have usually appeared low down in the lists. If, therefore, Indian recruitment for the All-India Services were confined to natives of the province, as is proposed by one of the Ministers, there would be serious risk of the general standard of efficiency being lowered. The Honourable Mr. Webster would regulate Indian recruitment by unconditioned open competition, but in that case the services in Assam would be staffed entirely by Indians from other provinces, and it is doubtful whether they would be more acceptable than British recruits. Experience moreover shows that Indians from other provinces are not infrequently apt to become discontented with service in Assam. On the whole the Governor in Council would be prepared to try a scheme on the lines indicated in paragraph 13 of your letter, provided that a qualifying standard were laid down and that no candidate who failed to reach that standard would be entitled to an appointment. Actual experience of recruitment under the new conditions, both in England and in India, will however be necessary before any scheme can be finally adopted.

(9) As to the conditions to be prescribed for future Indian recruits in the All-India Services in the event of these services being transferred, the Honourable Ministers consider that two alternatives only should be admissible, *viz.*, either unqualified acceptance of the new conditions by the Civil Servant concerned or retirement on proportionate pension. In the opinion of the Governor in Council, the decision on this point must depend on the decision arrived at in regard to (8) above. If the admission to All-India Services operating in the provinces is to be based on unrestricted open competition, then all Indians affected by subsequent constitutional changes should be given the same protection as British recruits. If on the other hand Indian recruitment for the province is to be confined wholly or mainly to natives of the province, it would not be unreasonable to stipulate that future Indian recruits should be bound to accept transfer to provincial control provided that their existing rates of pay were guaranteed.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

ESTABLISHMENTS.

LETTER FROM THE HON'BLE MR. J. CRERAR, C.S.I., C.I.E., SECRETARY TO THE GOVERNMENT OF INDIA, TO ALL LOCAL GOVERNMENTS, NO. F.-178/10/24-ESTS., DATED SIMLA, THE 21ST JUNE 1924.

With reference to my letter No. 172/24-Ests., dated 18th June 1924, I am directed to address you regarding the proposals for Indianisation of the All-India Services contained in the Report of the Royal Commission on the Superior Civil Services in India. It will be observed that in the Services in the transferred departments it is proposed that it should be left to the local Government, *i.e.*, the Governor acting with his Ministers to decide whether it will recruit any more Europeans. The question of Indianisation, therefore, as hitherto understood, namely the determination by the Secretary of State of certain proportions of Indians to be employed in the All-India Services, will, if the proposals of the Commission are accepted, be confined to the four Services dealing with reserved subjects, namely the Indian Civil Service, the Indian Police Service, the Irrigation Branch of the Indian Service of Engineers and the Indian Forest Service in those provinces in which the subject of 'Forests' has not been transferred.

2. In these four Services the Commission have proposed a very appreciable advance in the proportion of Indians. The present rate of recruitment for the Indian Civil Service is approximately 60 Europeans to 40 Indians; the Commission propose that it should be 60 Indians to 40 Europeans. In the Indian Police Service they suggest that the present rate of recruitment of 33 per cent. Indians should be raised to 50 per cent. In the Irrigation Branch of the Indian Service of Engineers the rate proposed is 40 Europeans to 60 Indians and in the Forest Service 25 Europeans to 75 Indians.

3. As was pointed out in the Montagu-Chelmsford Report, it is not possible to alter the personnel of a Service in a day. A Service is an organism of slow growth and the action taken now does not begin to show any effective results for some 8 or 10 years. Certain schools of Indian political opinion, impressed by the inevitably slow process of substituting Indian for European agency in the Services, have pressed for the maximum acceleration by stopping altogether, professedly for a period only, the recruitment of Europeans. The Commission, it will be observed, have not accepted this remedy. Though they have not discussed the point, it may be assumed that they were influenced by the argument that the cessation of European recruitment or even its temporary reduction appreciably below the proportion which it is designed ultimately to achieve would disorganise a Service and would render it difficult, if not impossible, to resume European recruitment later on a larger scale. If this line of argument is accepted the conclusion would be that the rate of recruitment is within fairly narrow limits the factor which really determines the ultimate composition of a Service, and that attention should therefore be concentrated rather on the present rate of recruitment than on any hypothetical eventual composition of a Service.

4. The statement of the Commission's proposals for the Indian Civil Service is somewhat obscured by a compromise between two points of view. It seems to be suggested that the object aimed at is the attainment of equal numbers of Europeans and Indians in the cadre. On the other hand the fact that the comparatively distant period of 15 years has been fixed for the attainment of that result suggests that the Commission were of opinion that any lower rate of recruitment than that which they propose would be dangerous to the country and to the future of European recruitment. If that is so, the point which has to be determined is not whether a half and half composition of the Service should be achieved in 10, 15 or 20 years, but whether a rate of recruitment of 40 Europeans to 60 Indians which may eventually lead to a 40·60 composition of the Service is approved. It is extremely difficult to conjecture the period within which this rate of recruitment would produce a half and half composition of the Service. A considerable number of retirements on proportionate pension would accelerate the period appreciably, and it must be borne in mind that there is a possibility that the required number of European recruits will not be forthcoming. These factors perhaps render any conjectures regarding the period at which equal numbers will be obtained of little practical value. But if the

attainment of equal numbers within a definite period appeals to any sentiment, I am to ask whether the Government of Madras, etc., think it would be reasonable to guarantee that this result would be achieved in not more than 15 years. The Commission however suggest in paragraph 36 of their Report that steps should be taken, if necessary, to prevent the attainment of this result in a shorter period than 15 years. I am to ask whether there is any necessity, in the opinion of the Government of Madras, etc., to impose such a restriction.

5. The Commission propose that only 80 per cent. of the recruitment should be direct, 40 per cent going to Europeans and 40 per cent. to Indians, and that the remaining 20 per cent. should be obtained by promotion from the Provincial Service. The feasibility of this proposal appears to depend largely on whether a more suitable system can be devised for bringing officers from the Provincial Service into the Indian Civil Service. The matter requires detailed consideration and will form the subject of a separate letter.

6. The Commission recognised in paragraph 34 of their Report that there are essential differences between the various provinces. They have not however made any suggestions as to the distribution of European recruits among the provinces. It appears probable that the same proportions are not required for all provinces. The present system of distribution of Europeans is haphazard and unsatisfactory. No definite proportion has been laid down for each province. The practice has been so far as possible to assign Indians to their provinces of origin and the Europeans have been placed in the vacancies that remain. It is clearly unsound that the important question of the proportion of Europeans and Indians in the various provinces should be left to be decided by the chance results of a competitive examination. It seems desirable therefore that definite recruitment proportions should be determined for the various provinces—the whole working out at the proportion which may be finally accepted for All-India.

7. I am to suggest that the acceptance of the general proportion proposed by the Commission might possibly lead to the following proportions in the provinces :—

(*a*) The standard proportion of 40—60 might be adopted for Bombay, the United Provinces, Bihar and Orissa and the Central Provinces.

(*b*) In Madras and Bengal the proportion of Europeans might be one-third instead of two-fifths.

(*c*) In the Punjab, Burma and Assam the proportion might be half and half.

The larger proportion of Europeans in the Punjab and Assam might be justified on account of the special circumstances of the administration and in Burma on account of the difficulty of recruiting any large number of Burmans and the prejudice against employing Indians. I am to ask whether the Government of Madras, etc., would consider such a distribution of European recruitment as reasonable.

8. The Commission have recommended that of every 100 recruits for the Indian Police, 50 should be Europeans recruited directly, 30 should be Indians directly recruited and the remaining 20 should be obtained from the Provincial Service. The question of the proportion of Indians to be drawn from the Provincial Service will, as in the case of the Indian Civil Service, be reserved for discussion in a separate letter. The present reference is confined to the general proposition that recruitment for the Police Service should be half European and half Indian. I am to ask whether this is accepted as a reasonable proportion.

9. As in the case of the Indian Civil Service it seems necessary to indicate the probable proportions of Europeans that would be recruited for the different provinces, if the half and half proportion for All-India is accepted.

(*a*) The standard proportion of one half might be applied to Bombay, the United Provinces Burma, Bihar and Orissa and the Central Provinces. Burma has been included among the Provinces to which the standard proportion might be applied, although in the case of the Indian Civil Service special treatment has been suggested and although at the present time the rate of recruitment for the Police in Burma is only 22 per cent. Indians as against 33 per cent. for most provinces. But the Government of India think it possible that there should be less difficulty in obtaining suitable Burmans for employment in the Police Service than for employment in the Indian Civil Service.

(*b*) In Madras and Bengal a proportion of two-fifths Europeans might be sufficient

(·) The Punjab and Assam might be above the standard figure and for the propo t'on of three-fifths Europeans might be suitable. It has not been ove looked that the Punjab cadre includes 24 officers for the North-We t Front'er Province where the proportion of Europeans may have to be particularly high.

10. For the Indian Forest Service the Commission recommend the recruitment of only 25 per cent. Europeans as against 75 per cent. Indians. I am to ask whether the Government of Madras,* etc., consider this suitable. It is doubtful whether there is any necessity to suggest any different proportion of Europeans for different provinces. In the case of Bombay and Bu ma, where Forest administration is transferred, no proportion of Europeans would be laid down, as in accordance with the general proposals of the Commission, future recruitment to the Forest Service in these Provinces would be left at the discretion of the transferred side of the local Government.

11. In the Indian Service of Engineers proposals for Indianisation are required only for the Irrigation Branch. The Commission have proposed that recruitment should be in the proportion of 40 Europeans to 60 Indians. I am to ask whether this proportion is considered suitable by the Government of Madras, etc.

(In Madras, etc., the two branches of the Indian Service of Engineers have not been separated, and the Commission have proposed that where this is the case no change should be made in the existing ratios of recruitment, the whole of the Service remaining on an All-India basis. This would mean that 50 per cent. of the combined Service would continue to be recruited in England and 50 per cent in India ; while of the 50 per cent. recruited in England 10 per cent. would be Indians. The arrangement does not at first sight appear very satisfactory and I am to ask for the views of the Government of Madras, etc., on this question generally and in particular as to the feasibility of separating the Irrigation from the Buildings and Roads Branch in the event of the general principle of the Commission's recommendations regarding the treatment of the two branches being accepted.)

[In Assam the whole of the public works administration remains reserved, The proposal of the Commission therefore may be taken to be that, as in the case of provinces where the two branches of the Indian Service of Engineers have not been separated, the existing ratios of recruitment should continue. I am to ask whether this is considered suitable by the Government of Assam.]

12. To sum up, I am to ask for the views of the Government of Madras, etc., on the following points :—

(1) Whether the rate of recruitment of a Service should be maintained in a reasonably close relation to the ultimate composition aimed at,

(2) whether a rate of recruitment for the Indian Civil Service of 40 Europeans to 60 Indians is accepted, with or without conditions about the attainment of a half and half composition in not more than 15 years,

(3) if so, whether the distribution of European recruitment in the Indian Civil Service suggested for the different provinces is considered reasonable,

(4) whether a rate of recruitment of 50 Europeans to 50 Indians is accepted for the Indian Police Service,

(5) if so, whether the distribution of European recruitment in the Indian Police Service suggested for the different provinces is considered reasonable,

(6) whether a rate of recruitment of 25 Europeans to 75 Indians is accepted for the Indian Forest Service,

(7) whether the proposed rates of recruitment for the Indian Service of Engineers are accepted.

13. In view of the great importance of arriving at an early decision on these points I am to request that the reply of the Government of Madras, etc., may reach the Government of India not later than the 4th August 1924.

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*Excluding Bombay and Burma.

( ) Madras, Bombay, Bihar and Orissa.

[ ] To Assam only.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF MADRAS, NO. MIS.-569, DATED THE 7TH AUGUST 1924.

In my letter No. 472-O.-1, dated the 23rd July 1924, the views of His Excellency the Governor in Council on the main recommendations of the Royal Commission on the superior Public Services were stated. In regard to the proposals for the Indianisation of the All-India services operating in reserved fields, His Excellency the Governor in Council accepted, subject to two reservations, the ratio of recruitment of Europeans and Indians recommended by the Commission. I am now to discuss more fully the reasons for the reservations made and to reply to the further remarks on the subject made in your letter No. 178-10-Ests., dated 21st June 1924.

2 In regard to the relation between the rate of recruitment and the ultimate composition aimed at, it appears to His Excellency the Governor in Council that the Commission took in the case of each service the composition they considered that it would be expedient to attain at the end of a given period and then fixed the ratio of recruitment which in their opinion would produce the composition desired at the end of the period specified in each case. His Excellency the Governor in Council considers that the method followed by the Commission preferable to that which appears to be suggested in the letter under reply, namely, that the ratio of recruitment should approximate to the proportion ultimately desired.

3. In the case of the Indian Civil Service, for example, the Commission considered that it would be fair and prudent to have fifteen years hence a 50—50 cadre of Europeans and Indians and they calculate that a ratio of recruitment of 40 Europeans to 60 Indians (20 of the latter from the Provincial Service) should now be adopted to produce a 50—50 cadre fifteen years hence. There is nothing in the report that avowedly draws a distinction between the various provinces, but His Excellency the Governor in Council sees no reason to take exception to the view suggested in the letter under reply that these figures and proportion are liable to modification in their application to particular provinces provided the totals approximate to the figures recommended by the Commission.

4. In the case of Madras, His Excellency the Governor in Council is prepared to agree that for the Indian Civil Service a proportion of one-third of Europeans in cadre fifteen years hence may be accepted as the standard. It is difficult to estimate what ratio of recruitment would be calculated to produce this result. The rate of retirement in the future may not improbably exceed the average considerably and there may be difficulty in getting recruits of the kind desired. If however it is understood that the Secretary of State shall have power to make such adjustments in the rate of recruitment as may be necessary to prevent the proportion of one-third being reached in a shorter period than fifteen years, His Excellency the Governor in Council would be prepared to accept a rate of recruitment of 25 per cent, *i.e.*, of one European to three Indians.

5. I am here to refer to the first reservation made in my letter of the 23rd July. For the Judicial branch of the Civil Service in this Presidency, His Excellency the Governor in Council would propose as the standard to be reached fifteen years hence, a proportion of one European to three Indians, while the standard for the executive and judicial branches taken together would be one European to two Indians as proposed above. A greater measure of Indianisation is recommended for the Judicial branch, firstly because of the absence of anything like the Hindu-Moslem tension which probably necessitates the continuance of the European District and Sessions Judge longer in many provinces of Northern India than in the south; secondly, because of the high quality of the work in Madras of the subordinate judiciary and Indian District and Sessions Judges in the past; and lastly, because of the admitted legal aptitude of Indian officers in South India and the comparatively high general level of legal and educational attainments amongst them.

Furthermore, His Excellency the Governor in Council observes that no provision is made in the Commission's recommendations for a continuance of the system of recruitment from the Bar which at present obtains. His Excellency the Governor in Council presumes that it is not intended to discontinue this form of recruitment. The exact method to be followed will be examined in replying to the communication promised in paragraph 5 of the letter under reply.

6. Coming next to the Police Service, it is observed that the Commission contemplate a cadre of 50—50 in 25 years' time and recommend a rate of recruitment of 50 per cent. Europeans and 50 per cent. Indians, 20 per cent. being obtained by promotion from the

Provincial Service. The letter under reply suggests a rate of recruitment of 40 Europeans to 60 Indians for Madras. His Excellency the Governor in Council, while prepared to accept a lower rate of European recruitment than in other provinces for the Indian Civil Service, does not see any sufficient justification for a similar differentiation in the case of the Police and considers that the rate of recruitment proposed by the Commission in the case of the Indian Police Service should be applied to all provinces alike.

7. In the case of the Indian Forest Service His Excellency the Governor in Council has already indicated his dissent from the ratio of recruitment proposed by the Commission—paragraph 4 of my letter of 23rd July. The evidence taken by the Commission has not been published, and accordingly His Excellency the Governor in Council does not wish to refer to it except to say that the views of this Government on this subject of the recruitment to the Indian Forest Service were not placed before the Commission: and therefore it is necessary to state them here in some detail. Whatever may be the case when the Dehra Dun College is ready to train men for the Imperial Service, the experience in this Presidency during the last three years has been that candidates suitable both by educational qualification, physique and temperament for the Forest Department are not yet forthcoming in sufficient numbers to fill 75 per cent. of the vacancies. It may be said without hesitation that if 75 per cent. of the vacancies are to be filled by local selection the standard of efficiency in the Forest Department must inevitably fall off to a very serious extent. Neither the Islington Commission nor the Lee Commission appears to have realized that it is in the case of the Forest Department not merely a matter of paper qualification nor of physique. A Forest Officer's success depends very largely on his being temperamentally suited for the lonely and sometimes strenuous life which he has to lead and it is in this direction that educated Indians have so far not shown themselves in any large numbers suited for, or willing to enter, the Forest Service. The Madras Government have just entered upon large developments in their forest policy, the outcome of which may very likely be that the ordinary routine forest work in this Presidency will be relegated to a Provincial Service while the higher and more technical branches will be in the hands of men specially trained for the purpose. It would in the opinion of His Excellency the Governor in Council be fatal to these developments if at the present juncture a rigid rule were laid down that out of every four new officers entering the department three were to be locally recruited. On this ground and also because, until this Government has seen Dehra Dun College at work, His Excellency the Governor in Council cannot form any opinion as to the material which the College will get and the finished product which it will turn out, His Excellency the Governor in Council would strongly urge that the present proportion of Indian recruitment, which amounts to about one half, should remain unchanged for a further period of at least 5 years.

8. In regard to the Indian Service of Engineers, His Excellency the Governor in Council has in another connection (my letter No. 547, dated the 5th August 1924, in reply to your letter No. F.-178-9-1924-Fsts., dated 21st June 1924) stated that the Irrigation branch cannot at present, with due regard to efficiency and economy, be separated from the Roads and Buildings branch and that therefore for the present the Indian Service of Engineering must remain an All-India service appointed and controlled by the Secretary of State. In the circumstances His Excellency the Governor in Council accepts the recommendation of the Commission that the existing ratio of recruitment should be maintained, namely, that 50 per cent. of the combined service should continue to be recruited in England and 50 per cent. in India; and of the 50 per cent. recruited in England 10 per cent. (or 5 per cent. of the whole) should be Indians.

9. The Hon'ble the Ministers adhere to the views expressed by them in the Memorandum forwarded with my letter No. 472-O-1, dated the 23rd July 1924. The Hon'ble Sir Muhammad Habib-ul-lah having been a Member of the Royal Commission does not wish to associate himself with any proposal that conflicts with those made by the Royal Commission.

Extract from a telegram from the Government of Bombay, dated the 6th August 1924.

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62. My telegram of the 6th August regarding your five letters on Lee Commission's Report. Government has arrived following decisions, subject so far as minority concerned to reservation already stated with regard to Secretary of State controlling.

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Letter No. 178-10-24. Question 1. Yes.

Question 2 accepted without conditions. If, however, ultimate composition of half and half is aimed at suggested rate of interim recruitment will render such composition difficult to maintain after attainment.

Question 3. This Government accept 40—60 rate temporarily till 50—50 composition is attained. Thereafter this Government desire equal treatment with other Presidencies in the matter of European recruitment.

Questions 4 and 5 accepted.

Question 7. Bombay Government desire for the present 66 per cent. of European recruitment in Irrigation Branch. Minority accept Commission's proposals.

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LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF BENGAL, No. 9171-A., DATED THE 2ND AUGUST 1924.

I am directed to refer to your letter No. F/178-10-24-Ests., dated the 21st June 1924, regarding the proposals for Indianization of the All-India Services contained in the Report of the Royal Commission on the Superior Civil Services in India. I am to say that the Governor in Council has considered the points which have been summarised in paragraph 12 of your letter and his reply to all of the questions is in the affirmative. In the opinion of the Governor in Council, no conditions need be made regarding the attainment of equal numbers within 15 years, as this depends on contingencies which it is impossible to forecast.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF THE UNITED PROVINCES, No. 1036, DATED THE 28TH JULY 1924.

I am directed to reply on behalf of the Governor in Council to the Home Department letter No. F.-178/10/24-Ests., dated July 21, 1924. As in the other replies the paragraphs in this letter will correspond with the headings in the summary. This letter is subject to the note of the Hon'ble Home Member which was forwarded as an annexure to this Government's No. 3328, dated July 8, 1924. A copy of the notes* is enclosed for reference.

(1) "Whether the rate of recruitment of a Service should be maintained in a reasonably close relation to the ultimate composition aimed at."

If a particular ratio of European to Indian recruitment is adopted, it will not be practicable to alter that ratio at some future date in favour of the European element. The Commission seem to have overlooked this consideration in their proposals regarding the Indian Civil Service, since, whilst their ostensible aim is the attainment of equal numbers of Europeans and Indians in the cadre, they have recommended a rate of recruitment, which if it yields that equality in 15 years, will produce a 40 European 60 Indian composition within, say, 20 years. The rate of recruitment must clearly be settled on the assumption that the Indian proportion cannot be subsequently reduced, and with regard to the composition which on this assumption will eventually be reached. The Governor in Council understands that this is what is meant by the proposition, that the rate of recruitment of a service should be maintained in a reasonably close relation to the ultimate composition aimed at, and if so, he is in agreement therewith.

(2) "Whether a rate of recruitment for the Indian Civil Service of 40 Europeans to 60 Indians is accepted, with or without conditions about the attainment of a half and half composition is not more than 15 years."

The Governor in Council is prepared to accept a rate of recruitment of 40 Europeans to 60 Indians for the Indian Civil Service. This rate in fact agrees very closely with that recommended by him in his reply to the Commission. In existing conditions it seems probable that on this basis a half and half composition of the service will be attained within 15 years. But the Governor in Council would certainly give no guarantee that this result will be achieved in that period. A 40—60 ratio marks a very great advance upon the rate adopted only a few years ago, and there could be no reasonable ground for complaint if *per improbabile* the process should take a little longer than 15 years.

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*Not printed with this letter.

(3) " If so, whether the distribution of European recruitment in the Indian Civil Service suggested for the different provinces is considered reasonable."

The Governor in Council though prepared to accept a rate of recruitment of 40 Europeans to 60 Indians, must demur strongly to the suggestion that a smaller proportion of Europeans is required in these provinces than in the Punjab, Burma or Assam. In no province, not excepting even the Punjab, are Hindu-Muhammadan relations more strained, and in none, as recent disturbances have demonstrated to conviction, is there greater need in the interests of law and order for a Strong European element. If the European recruits are to be distributed in varying proportions amongst the different provinces, he must press strongly for the assignment to these provinces of a proportion at least as large as that conceded to any other province.

(4) " Whether a rate of recruitment of 50 Europeans to 50 Indians is accepted for the Indian Police Service."

The proposal is accepted as giving a reasonable proportion.

(5) " If so, whether the distribution of European recruitment in the Indian Police Service suggested for the different provinces is considered reasonable."

For reasons which have been stated above, the Governor in Council considers that the proportion of European officers allotted to these provinces should be at least as large as that assigned to any other province.

(6) " Whether a rate of recruitment of 25 Europeans to 75 Indians is accepted for the Indian Forest Service."

The Governor in Council views this proposal with grave misgiving. Indians of the right stamp are especially difficult to secure for the Forest Service. The value of the forests is enormous; the danger of their deterioration in unskilled hands or in consequence of changes made under political pressure is very great. The Governor in Council would prefer not to go beyond a 50 per cent. rate of recruitment for the present. At the same time if the recommendations of the Royal Commission are to be treated as interdependent, then in view of other and more vital considerations the Governor in Council thinks it better to acquiesce in this particular proposal than to dissent from it.

(7) " Whether the proposed rates of recruitment for the Indian Service of Engineers are accepted."

This proposal is accepted.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF THE PUNJAB, No. 18836-GAZETTE, DATED THE 4TH OF AUGUST 1924.

I am directed by the Governor in Council to reply to the questions summarized in paragraph 12 of your letter No. 178-10-24-Ests., dated the 21st June 1924. The Punjab Government have already, in replying to paragraph 2 (*d*) of your letter No. 172-24-Ests., dated the 18th of June 1924, accepted generally the rates of recruitment for the various services proposed by the Royal Commission, subject to the proviso that in the provincial allotment of recruits regard should be had to the special conditions of the Punjab.

2. (1) " Whether the rate of recruitment of a Service should be maintained in a reasonably close relation to the ultimate composition aimed at ".

For the reasons given by the Government of India the Punjab Government accept this proposition.

(2) " Whether a rate of recruitment for the Indian Civil Service of 40 Europeans to 60 Indians is accepted, with or without conditions about the attainment of a half and half composition in not more than 15 years."

With regard to the first part of this proposition, I am to invite a reference to paragraphs 7 and 8 of Punjab Government letter No. 26225-Gaz., dated the 25th of October 1922. Since that letter was written, the difficulties arising from the paucity of British officers of the Indian Civil Service in the Punjab have increased rather than diminished. The following statement showing the number of Executive and Judicial appointments in

the Punjab held by Europeans and Indians respectively in June 1924 illustrates clearly the need for caution in increasing the rate of Indian recruitment for the Indian Civil Service :—

	Appointments.	Europeans.	Indians.
(*a*) Executive Branch.	Commissioners	3	2
	Deputy Commissioners ..	18	11
	Settlement Officers	2	2
	Sub-Divisional Officers ..	5	13
(*b*) Judicial Branch.	District and Sessions Judges ..	8	13

The Governor in Council would accordingly urge most strongly that a rate of recruitment for the Indian Civil Service of 50 Europeans to 50 Indians should, in practice, be maintained for the Punjab. Subject to this reservation he has no objection to the adoption of a 40—60 rate of recruitment for India as a whole.

With regard to the second part of the proposition, the Governor in Council considers that the prescription of any period for the attainment of a half and half composition in the Indian Civil Service is to be avoided. It is likely that circumstances will lead to the antedating of the process rather than its retardation but the true method of changing the composition of the Service is by the acceleration of recruitment.

(3) " If so, whether the distribution of European recruitment in the Indian Civil Service suggested for the different provinces is considered reasonable."

As indicated above the Governor in Council considers the half and half distribution proposed for the Punjab in paragraph 7 (*c*) of the letter of the Government of India, to be not only reasonable but necessary.

(4) " Whether a rate of recruitment of 50 Europeans to 50 Indians is accepted for the Indian Police Service."

The remarks made in the reply to question (2) above apply with equal force to the Indian Police Service, the position in June 1924 being illustrated by the following statement :—

Appointments.	Europeans.	Indians.
Deputy Inspectors General	4	..
Superintendents of Police	23	13

The Governor in Council is prepared to accept a rate of recruitment of 50 Europeans to 50 Indians for the Indian Police Service as a whole, but would prefer a lower rate of Indian recruitment for the Punjab.

(5) " If so, whether the distribution of European recruitment in the Indian Police Service for the different provinces is considered reasonable."

The Punjab cadre of the Indian Police Service serves the North-West Frontier Province, Baluchistan and Delhi. The proportion of Europeans required for police appointments in these three administrations has, so far, been high and will possibly remain so. In order that the true rate of Indianisation may be preserved in the Punjab the Governor in Council would suggest that the posts in the North-West Frontier Province, Baluchistan and Delhi should be excluded from the calculation. For the Punjab alone he would accept a proportion of 3-5ths Europeans as suitable, and would deprecate a distribution of European recruits at any lower rate.

(6) " Whether a rate of recruitment of 25 Europeans to 75 Indians is accepted for the Indian Forest Service."

The Governor in Council considers that the rate of Indian recruitment proposed is dangerously high for the Punjab. The Punjab cadre of the Indian Forest Service serves not only the Punjab but the North-West Frontier Province and Baluchistan ; and much of the Forest work done immediately under the Punjab Government lies in Indian Hill States. The number of posts in the cadre is 39. Of these posts 10 are already held by Indians and I am to urge that for the Punjab the precentage of European recruitment should be higher than that now proposed. The Governor in Council would be prepared to accept a rate of one-third Europeans and two-thirds Indians.

(7) " Whether the proposed rates of recruitment for the Indian Service of Engineers are accepted."

The rate of Indian recruitment proposed for the Indian Service of Engineers (Irrigation Branch) the cadre of which in the Punjab is already largely Indianised appears to the Governor in Council to be unduly high, so far as the Punjab is concerned. The financial prosperity of the province depends largely upon the efficiency of this department and the fact that its officers in the Punjab discharge functions in regard to assessment which are closely akin to those of Revenue officers makes it advisable that a considerable European element should for the present at all events, be retained. The following statements illustrate the position of the Department as it stands at present.

(*a*) Number of Indians and Europeans actually serving in the cadre of the Indian Service of Engineers. (Irrigation Branch.)

	Chief Engineers.	Superintending Engineers.	Executive Engineers.	Assistant Executive Engineers.	Total.
Indians		3	16	28	47
Europeans	3	11	55	17	86

(*b*) Posts in the department as a whole actually held by Indians and Europeans respectively (including members of the Punjab Engineering Service; temporary Engineers and subordinates in charge of sub-divisions).

	Chief Engineers.	Superintending Engineers.	Divisional Officers.	Sub-Divisional Officers.	Total.
Indians		4	22	141	167
Europeans	3	14	49	38	104

The Governor in Council recommends that if the rate of recruitment proposed for the Service as a whole is accepted a half and half allotment of recruits may be made to this province.

GOVERNMENT OF BURMA.

Appointment Department.

Letter from Mr. F. Lewisohn, C.B.E., Chief Secretary to the Government of Burma, Home and Political Department, to the Secretary to the Government of India, Home Department, No. 404-A.-24, dated Rangoon, the July 1924.

Subject :—*Recommendation of the Royal Commission on the Superior Civil Services in India for Indianization of the Services.*

I am directed to convey the views of this Government on the seven points enumerated in paragraph 12 of your letter No. 178—10-24-Ests., dated the 21st June 1924.

(1) This Government agrees that the rate of recruitment to Services must be maintained at a reasonably close relation to the ultimate composition aimed at.

(2) & (3) This Government accepts the recommendation of the Commission that the ratio of recruitment for the Indian Civil Service in Burma should be 40 Europeans and 60 Burmans on the assumption (which would appear to be approximately correct) that this will produce a 50-50 cadre in about 15 years. This Government does not consider it necessary that any definite guarantee should be given that a 50-50 cadre will be achieved in that time, but recruitment should, if necessary, be varied so as to ensure that that result is approximately achieved. Past events point to the conclusion that any decision which may be arrived at now regarding the ratio of recruitment will be varied long before 15 years are past. This Government does not consider it necessary to restrict the proportion in Burma to half and half. Although higher education is not nearly so widespread in Burma as it is in India, the level of general intelligence and natural ability is high. In fact the Local Government would strongly urge that the same proportion should be adopted for Burma as it may eventually be decided to adopt for Bombay and the United Provinces.

(4) & (5) This Government accepts the proposed rate of recruitment of 50 Europeans to 50 Burmans for the Indian (Imperial) Police.

(6) This point does not arise in this Province as the Indian Forest Service will in future become a Provincial Service in Burma.

(7) The proportion of 40 Europeans to 60 Burmans for the Indian Service of Engineers is accepted.

GOVERNMENT OF BIHAR AND ORISSA.

APPOINTMENT DEPARTMENT.

LETTER FROM E. L. L. HAMMOND, ESQ., C.B.E., I.C.S., CHIEF SECRETARY TO GOVERNMENT, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, No. 1969-A.R., DATED RANCHI, THE 2ND AUGUST 1924.

SUBJECT :—*Proposals of the Royal Commission on the Superior Civil Services in India for the increased Indianization of the All-India Services.*

I am directed to reply to your letter No. F.-178-10-24-Ests., dated the 21st June 1924, and to submit the views of the local Government on the proposals for the increased Indianization of the All-India Services contained in the report of the Royal Commission on the Superior Civil Services in India.

2. In paragraph 2 (*d*) of my letter No. 1689-A.R., dated the 22nd July 1924, the local Government generally accepted these proposals as being an integral part of the compromise, but, as pointed out in Mr. Rainy's letter No. 173-A., dated the 6th January 1923, opinions differ on the merits of finality of any endeavour to fix racial recruitment on a basis of percentages. Any such attempt must be speculative, and can only be accepted as offering, for the present, reasonable rates of recruitment. In the future there must inevitably be changes and adjustments that cannot now be foreseen, and there is little certainty that the assumptions now made will in practice be fulfilled. Any discussion as to what precise rates should be prescribed must be theoretical and seems unreal.

3. Subject to these general remarks, I am to report the following views of the local Government on the specific points raised in paragraph 12 of your letter :—

(1) It is desirable that the rate of recruitment should bear a reasonably close relation to the ultimate composition of the service. An immediate disproportionate reduction in the rate of European recruitment, out of consideration of the fact that the present European element in the composition of a service is comparatively high, would almost certainly at some future date, when the ideal composition had been attained, preclude any increase in the European proportion of recruitment so as to maintain the desired composition, even if in the meantime it had not been altogether killed.

(2) His Excellency in Council is prepared to accept, as part of the general compromise, the proportions suggested for the Indian Civil Service, *viz.*, 40 per cent. European, 40 per cent. Indian directly recruited and 20 per cent. to be obtained by promotion from the Provincial Service. He anticipates no difficulty in obtaining the necessary number of recruits by promotion. At present there is a limit of 16 per cent. to listed posts, and there would seem to be no difficulty in raising this gradually to 20 per cent., without prejudicing the vested interests of existing members of the service, if the plan be followed of restricting direct recruitment to 80 per cent. of the superior posts. It is observed, however, that the Government of India propose to address local Governments separately on the subject of promotion from the Provincial Service, and the point need not therefore be further examined at present.

His Excellency in Council does not consider it desirable to impose any condition or offer any guarantee that within 15 years or any other specified period, the composition of the Indian Civil Service shall include a moiety of Indians. Nor on the other hand does he consider it necessary to take any immediate steps or prescribe any restriction which will prevent the attainment of this result in a shorter period. He would apply the rates of recruitment recommended by the Commission and leave it to future administrators to decide what action may be necessary to modify the results flowing therefrom or to meet the situation that may be created by future and unforeseen developments. The Hon'ble Sir Fakhr-ud-din considers the guarantee should be given, and no restriction imposed.

(3) As regards the inter-provincial distribution of European recruitment, the local Government accept for Bihar and Orissa the standard proportion of 40 Europeans and 60 Indians.

(4) For the Indian Police, the Governor in Council accepts as reasonable the genéral proposition that recruitment should be half European and half Indian.

(5) His Excellency in Council accepts the proposal that the standard proportion of one-half should be applied to the Indian Police Service of Bihar and Orissa. The Hon'ble Minister in the Department of Education would prefer the rate of 40 Europeans to 60 Indians.

(6) As regards the Indian Forest Service, this province has already obtained its full complement of staff, and it is doubtful whether for some years to come any further recruitment will be necessary. The local Government, however, accept the general rates of recruitment now proposed, *viz.*, 25 per cent. European and 75 per cent. Indian.

(7) As regards recruitment for the Indian Service of Engineers, the local Government accepts the rate of recruitment proposed by the Commission for the Irrigation branch, *viz.*, 40 Europeans to 60 Indians. The Governor in Council does not see any insuperable difficulty in recruiting separately for the Irrigation branch in a 'mixed' province; at present the two branches have been separated in this province, although they still draw upon one common cadre.

In accepting the rate of recruitment proposed by the Commission, His Excellency in Council has not overlooked letter No. E.-73, dated the 8th July 1924, from the Government of India, Department of Industries and Labour. The very elaborate statistics and calculations contained in that letter show, what is comparatively obvious without so much arithmetic, that the new rate of recruitment will take some time to produce a service composition of the same proportion, and the Hon'ble Mr. Sinha would prefer that, in order to attain proportions of 40 European, 40 Indian direct recruited and 20 Indian promoted within a period of 10 or 15 years, the recruitment ratios of 21, 53 and 26 respectively should be at once adopted. This, however, goes beyond the recommendations of the Commission, and to these recommendations His Excellency in Council would adhere.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF THE CENTRAL PROVINCES, No. 2803—1276-III, DATED THE 23RD JULY 1924.

I am directed to reply to the Government of India letter No. F.-178-10-24-Ests., dated the 21st June 1924, asking for the views of the local Government on the proposals for Indianisation of the All-India Services contained in the Report of the Royal Commission on the Superior Civil Services in India.

2. The local Government accepts the principle laid down by the Government of India that the rate of recruitment of a service should be maintained in a reasonably close relation to the ultimate composition aimed at.

3. The local Government accepts the rate of recruitment suggested by the Royal Commission for the Indian Civil Service of 40 Europeans to 60 Indians, and agrees that this standard proportion should be adopted for this province subject to a re-examination of the rate when the 50-50 cadre is reached. The local Government does not consider that the circumstances of this province require steps to be taken to ensure that equality in the cadre is not reached in a shorter period than 15 years.

4. The local Government accepts the rate of recruitment of 50 Europeans to 50 Indians for the Indian Police Service, and considers that this standard proportion is suitable to the conditions of this province.

5. In accepting the rate of recruitment of 25 Europeans to 75 Indians for the Indian Forest Service, the local Government assumes that the Government of India are satisfied regarding the practicability of obtaining Indian recruits with the necessary qualifications to the extent desired. In its recommendation regarding the Indian Forest Service to the Royal Commission, the local Government, while agreeing with the principle of complete Indianisation, expressed the opinion that this should proceed only at the rate at which suitable material became available. In view of the importance of the interests involved, the local Government desires to emphasize its objection to any lowering of the standard of efficiency merely for the sake of Indianisation.

6. The proposed rates of recruitment for the Indian Service of Engineers are accepted as suitable for this province. The Royal Commission do not consider how long it will take for these rates to produce a similar ratio in the total cadre, but in a note forwarded with letter No. E.-73, dated the 8th July 1924, from the Government of India, Department of Industries and Labour, Public Works Branch, the period is shown to be about 25 years. The local Government regards this as unnecessarily long and considers that the rate of recruitment should be adjusted as proposed in the aforesaid note so as to secure a service with a 40—40—20 constitution in a period of about 15 years.

GOVERNMENT OF ASSAM.

THE GOVERNOR IN COUNCIL.

APPOINTMENT AND POLITICAL DEPARTMENT.

APPOINTMENT BRANCH.

LETTER FROM A. W. BOTHAM, ESQ., C.I.E., I.C.S., CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, No. APPTT. 1166—4250-A. P., DATED SHILLONG, THE 4TH AUGUST 1924.

I am directed to invite a reference to your letter No. 178—10—24-Ests., dated the 21st June 1924, on the subject of the proposals for Indianisation of the All-India Services contained in the Report of the Royal Commission on the Superior Civil Services in India, and to communicate the views of the Government of Assam on the points enumerated in paragraph 12 of your letter:—

(1) The Government of Assam are prepared to accept the formula that the rate of recruitment for a service should be maintained in a reasonably close relation to the ultimate composition aimed at. There can be no doubt that Indian sentiment attaches importance to the ideal that a half and half composition should be reached within a definite period. The Hon'ble Ministers, for example, propose that in the case of the Indian Civil Service, this composition should be reached within ten years. Unless however there was a general exodus of European officers on proportionate pension, it would be impossible to attain this result in Assam, even if European recruitment were entirely suspended for the next ten years. As the Government of India have pointed out, it is extremely difficult to conjecture the period within which any specified rate of recruitment will produce the composition which it is ultimately desired to reach, and in the circumstances it does not seem possible at present to base recruitment on any other principle than that proposed by the Government of India. It is clear however that the results would be uncertain, and I am to suggest that the proportions now fixed should be regarded as provisional and subject to revision after five years in the light of the experience which will by then have been obtained.

(2) and (3) Subject to the foregoing remarks, the Governor in Council is prepared to accept the proposed distribution of Indian and European recruitment for the Indian Civil Service. As the Government of India have recognised, the special conditions of Assam make it undesirable to accelerate unduly the process of Indianisation. There are at present only four Indian officers, all under 9 years' service, in a total cadre of 47, and in present circumstances it would not be prudent to recruit Indians in a larger ratio than 50 per cent., even if the attainment of a half and half composition were thereby delayed beyond fifteen years.

(4) and (5) The Hon'ble Ministers consider that recruitment for the Indian Police Service in Assam should be so regulated that a half and half composition would be attained within 15 years. The Governor in Council is unable to accept this scheme as either practicable or desirable. It is from the Police Service that the largest number of retirements on proportionate pension have occurred in Assam, and in view of the special conditions of the province, surrounded as it is by hill districts inhabited by wild tribes in a primitive stage of civilisation and containing in the plains a large immigrant

population from all parts of India on the tea gardens, any sudden or drastic reduction in the European element in the Police force would be fraught with grave risks. Subject, however, to the remarks on point (1) above, the Governor in Council is prepared to accept the distribution proposed by the Government of India of European recruitment for the Indian Police Service.

(6) The suggested rate of recruitment of 25 Europeans to 75 Indians for the Indian Forest Service is accepted.

(7) The Government of Assam agree that with regard to the Indian Service of Engineers, the existing ratios of recruitment should continue.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

ESTABLISHMENTS.

LETTER FROM THE HON'BLE MR. J. CRERAR, C.S.I., C.I.E., SECRETARY TO THE GOVERNMENT OF INDIA, TO ALL LOCAL GOVERNMENTS, No. 178-11/24/ESTS., DATED SIMLA, THE 21ST JUNE 1924.

With reference to my letter No. F.-172/24-Ests., dated the 18th June 1924, I am directed to address you regarding the proposals of the Royal Commission on the Superior Civil Services in India about the pay of the All-India Services. These proposals are contained in Chapter VI of the Report. It will be observed that, apart from the Indian Police Service and the Indian Service of Engineers, for which certain recommendations are made which will be dealt with below, the Commission do not propose any increase in basic pay. But they propose for all Services alike an increase connected with overseas pay, which in the case of European officers in the time-scales rises to a maximum of Rs. 200 a month on a 1*s.* 4*d.* basis with effect from the 12th year of service. I am to ask in the first place whether this general scale of increase, apart from possible modifications in detail, is accepted by the Government of Madras, etc., as reasonable.

2. The Commission have failed to reach an agreement regarding the treatment of officers above the time-scales. The actual proposals of the Commission in this respect show some traces of confusion. The Commission were unanimous that officers in the selection grades in the various Services should receive the full benefit which has been recommended for officers in the time-scales. With regard to certain administrative posts which carry an incremental pay of Rs. 1,750—100—2,150, the Commission have recommended in the body of their Report that the pay instead of being fixed on an incremental basis should be fixed at Rs. 2,150 and should carry with it no remittance benefit. On the other hand, in Appendix IV where the English members set out their separate views regarding the treatment of officers above the time-scales, they have recommended that the equivalent of Rs. 200 a month on a 1*s.* 4*d.* basis should be granted to all officers, with the exception of Judges of the High Court, whose pay does not exceed Rs. 4,000 a month. In making this recommendation they had presumably forgotten the proposal to which they had already committed themselves in paragraph 55 of the Report regarding the officers on a pay of Rs. 1,750—100—2,150. Their actual proposal in that paragraph, while generous to junior officers of this rank (and indeed giving Indian Officers on promotion a rise of no less than Rs. 800 from the top of the time-scale) would have the effect of making the senior men in this grade the only officers who would not receive the full benefit of Rs. 200 a month; while those who are already on a pay of Rs. 2,150, would receive no relief at all. This can hardly have been the real intention of the English members, and their proposal should therefore be considered as one for the grant of uniform relief to all officers above the time-scales as far as the upper limit which they themselves have laid down.

3. The Indian members, on the other hand, definitely stand by the proposal made in paragraph 55 of the Report and decline to go beyond it—that is to say they propose that no administrative officers except those holding what they have described as the lower administrative posts such as Deputy Inspector Generals of Police, Superintending Engineers and Conservators of Forests should get any relief at all. The view of the Indian members

is based on two grounds. In the first place they hold that the financial conditions of these officers do not call for relief. In the second place they are opposed to introducing any differentiation between the pay of Europeans and Indians in administrative posts.

4. With regard to the latter point it has to be considered what are the circumstances which are held to necessitate absolute equality of remuneration in administrative posts, when a differentiation amounting to Rs. 450 a month is accepted as reasonable in posts on the time-scales. It is true that it might be undesirable that superior officers should draw actually less pay than officers working under their orders, and any system of differentiation in the pay of administrative posts must not ignore this consideration. It has also been argued that uniform remuneration to Indians and Europeans should be granted in the administrative posts on the ground that such posts entail obligations which are independent of domicile. This argument however hardly seems to express the real point. Overseas pay is given because an overseas domicile involves special expenditure. It is obvious that such special expenditure does not cease when an officer attains administrative rank. In effect the discontinuance of overseas pay may be held to be only formal. The real fact appears to be that the pay and overseas pay of the administrative posts have been combined, and instead of Europeans being deprived of overseas pay Indians have received it. If that is so, the practical effect of the present arrangement is that Indians on attaining administrative rank are granted overseas pay. An example may make the case clearer. An Indian officer of the Indian Civil Service, not entitled to overseas pay draws at the top of the time-scale Rs. 2,250: his European contemporary draws Rs. 2,500. When the European officer is promoted to be a Commissioner, he receives an additional Rs. 500; when the Indian officer is promoted he receives an additional Rs. 750. If the proposals of the Commission are accepted, which create a difference of Rs. 450 at the top of the time-scale between the Indian and the European, and the pay of Indians and Europeans in administrative posts remains identical, this discrepancy on promotion will be still more marked. In the light of these considerations I am to ask how far the Government of Madras, etc., attach importance to the principle of equal remuneration in the administrative posts on which the Indian members have laid stress.

5. If no special importance is attached to this principle the question whether relief should be extended to officers in administrative posts is one that should apparently be decided on a consideration of the financial necessities of such officers. The Members of the Commission are all agreed as to the necessity of relief in the lower administrative posts in the Uncovenanted Services, though their actual proposal in paragraph 55 of the Report is open to obvious objection. It would be difficult indeed not to grant the same relief to officers holding these posts as is given to officers in the time-scales. If this were not done various anomalies would arise. For instance it is not clear how it could be held that a Deputy Inspector General of Police on Rs. 2,150 requires no relief, while an officer in the higher selection grade in the Educational Service on Rs. 2,000 or a Collector at the top of the time-scale on Rs. 2,500 would each receive an additional Rs. 200.

6. Above the lower selection posts in the Uncovenanted Services come what may be described as the higher selection posts chiefly Heads of Departments which include a great variety of rates of pay. Inspectors General of Police are for the most part on a pay of Rs. 2,500 rising to Rs. 3,000, though in three provinces they are paid on a lower scale. Chief Conservators of Forests receive a pay of Rs. 2,500 rising to Rs. 2,750; Chief Engineers Rs. 2,750 rising to Rs. 3,000; Directors of Public Instruction for the most part Rs. 2,250 rising to Rs. 2,750 or Rs. 2,500 rising to Rs. 3,000 though in three provinces the pay is on a lower scale. At whatever point the relief is discontinued, it would appear that this point must be determined by pay and not by posts, and in making proposals the effect of discontinuance on posts with an incremental basis and on the ladder of promotion should not be ignored.

7. If it is not proposed to discontinue relief below Rs. 3,000 the Rs. 3,000 stage will require special consideration. This is the maximum pay of Inspectors General of Police, Chief Engineers, some Directors of Public Instruction, and various officers in the Central Services. It is also the point at which the selection posts of the Indian Civil Service start. It is the pay of Commissioners and first grade District and Sessions Judges. If it were proposed to discontinue the relief at the Rs. 3,000 stage, the effect on the scales of pay of Inspectors General of Police, Chief Engineers, etc., would have to be considered. The difference between the pay of a Collector and the pay of a Commissioner which at present

stands at Rs. 500, would also be disturbed. If this difference were reduced to Rs. 300 by leaving the Commissioners still on their existing pay, it is a matter for consideration whether the disadvantages anticipated by the Chairman of the Commission in his separate note in Appendix IV would arise.

8. Above Rs. 3,000 excluding a few isolated appointments, come Members of Board of Revenue, Financial Commissioners and Judicial Commissioners and certain Commissioners in Bombay, who all draw Rs. 3,500. Above these are Chief Secretaries in Madras, Bombay and Bengal, and one Member of the Board of Revenue in Madras and Bengal—all of whom draw Rs. 3,750. Above these are Secretaries to the Government of India and High Court Judges drawing Rs. 4,000. If it is decided to continue the full relief up to Rs. 3,000, it is a matter for consideration whether it should be carried higher and if so to what point, and whether in the highest paid appointments to which relief is extended the full relief should be given or some diminished rate. In this connection it may be borne in mind that before the revision of pay of 1919 the pay of these important posts rising to Rs. 4,000 was the same as it is now, while their incumbents were also entitled to exchange compensation allowance which added on a 1*s.* 4*d.* basis approximately Rs. 138 to their pay. If relief is not discontinued at some lower point there might be some advantage in giving to these officers Rs. 100 a month in the shape of overseas pay in addition to the passage concession which is equivalent to Rs. 50 a month and withdrawing exchange compensation allowance finally. The present arrangement under which exchange compensation allowance is drawn by some officers and not by others is admittedly unsatisfactory. It is also a matter for consideration whether it is possible in the event of the proposal of the English Members to carry relief up to the Rs. 4,000 stage being accepted, that High Court Judges drawing Rs. 4,000 should be omitted from the relief. The particular ground on which the English Members recommended the omission of High Court Judges drawing Rs 4,000 is not strictly accurate. The remuneration of High Court Judges is determined by the Secretary of State in Council under section 104 of the Government of India Act, and is not specifically laid down in the Act.

9. The question whether relief in the matter of pay should be confined to Europeans is one of some difficulty. On the one hand the case for relief is clearly based on the special needs and expenses of officers with European domicile. There is moreover a considerable body of Indian political opinion which holds that the existing pay of Indians in the Services, so far from being inadequate, is excessive. On the other hand Indian officers at present in the Services have urged very strongly their claim to equal treatment with the Europeans. Three main lines of argument have been adopted:—

(*a*) It has been argued that hitherto Indians and Europeans have received identical treatment and that Indians entered the Services with the belief that they would continue to receive identical treatment. The argument receives some support from the action taken when overseas pay was first introduced. Although overseas pay was granted in consideration of a non-Asiatic domicile, all Indians already in the Services at the date of the introduction of overseas pay have received it. It is suggested that this forms a precedent for the extension to Indians of any further relief now given to Europeans. But the circumstances are not parallel. In many cases the increases in total pay made in 1919 were so small that, had Indians not been granted overseas pay, they would have had no increase or even a decrease on their previous emoluments, whereas the cost of living of Indians had admittedly risen considerably. There was thus a very special reason, apart from any theoretical considerations of equality, for granting overseas pay to Indians already in the Services in 1919. Further it is not strictly accurate to say that Indians and Europeans have always received identical remuneration. Exchange compensation allowance was confined to officers of European domicile and up to 1919 European officers in more than one of the Services received by means of this allowance a larger number of rupees than their Indian contemporaries.

(*b*) It has been argued by many Indian Officers that in fact their expenses are as great as those of Europeans. The difficulty in this matter is that the standard of living of Indians in the Services varies greatly. There are those who live in Indian style; there are those who live in European style; and

finally there are those with overseas commitments either through education of their children in England or through marriage with English wives. It is impossible to expect that any decision will fit all these varying conditions. It is certainly impossible to base pay on a European style of living. This would, for instance, lead to the grant of overseas pay to Anglo-Indians, a position which could not be accepted. The only firm basis in this difficult matter appears to be that of domicile. This was clearly laid down by the Secretary of State in his Despatch No. 187-Public, dated the 25th December 1919 in which he announced the institution of overseas pay. He said, "as the allowance is to be granted expressly as a measure of compensation for disadvantages to which officers serving outside their own country are subject, it appears to me essential that the grant of the allowance should ordinarily be strictly confined to officers of non-Indian domicile."

(c) Finally, it has been argued that those Indians who have been appointed by examination in London have undergone risks and incurred expenses, which justify their receiving a higher remuneration than Indians who have never left their country. In the case of the Indian Civil Service, the chief service in which Indians secure appointments in London, an advantage has hitherto been enjoyed by Indians appointed in England, because they draw overseas pay which is denied to those appointed in India. It should be considered whether the present overseas pay may be regarded as sufficient recompense for the expenses and risks of an English education.

10. A further consideration is that if the financial relief now recommended for European officers were extended to Indians, a very large differentiation in pay would be introduced between one Indian and another on grounds which it would not be easy to justify. It is not suggested that any Indian should receive an increase in pay except those who are now in receipt of overseas pay. But this privilege is based in many cases on no more reasonable ground than the chance date of appointment. There are many Indians who are in receipt of overseas pay who have never been out of India. It is difficult to see how a fortuitous advantage of this nature could be made the basis of a differentiation amounting to as much as Rs. 450.

11. On the other hand it may be argued that those Indian officers who have overseas commitments may reasonably receive special treatment. It is true that these commitments are voluntary and can therefore be distinguished from those of European officers. But the Commission have suggested in paragraph 54 of their Report that Indian members of the Services who are already entitled to overseas pay should be granted the full relief, if they can satisfy the High Commissioner that they have a wife or children in Europe. I am to ask for the views of the Government of Madras, etc., on this recommendation.

12. Apart from this special recommendation it will be noted that the Commission have made a proposal which is a compromise. They do not suggest that the remittance concession should be granted to Indian officers except those who have overseas commitments. But they propose that the overseas pay of Indians should be increased by the sum of Rs. 50 from about the age of 30. If the form of relief which the Commission propose is finally accepted, it may be necessary to accept this proposal which is an integral part of the scheme as it stands. But I am to enquire whether in the opinion of the Government of Madras, etc., there is any justification in theory for extending financial relief at the present time to Indian officers in the services.

13. The Commission have not proposed any reduction in the existing basic pay of Indians. It is pointed out in the paragraph 43 of the Report that there are many who hold that the basic pay is excessive. It is argued that Indianisation will entail some loss of efficiency and that the country should insist on the *quid pro quo* namely cheapness. It is recognised that the European Services have set a high standard of pay and it is felt that, as those Services cease to be predominantly European, the standard of pay should be brought down to a level which really suits Indian conditions.

14, The Government of India fully recognize the force of these arguments and the increasing importance for the future of the finances of India that an excessive standard of remuneration for Indians in the public services should not be stabilised. At the same time there are considerations which support the conclusions of the Commission. The introduction of overseas pay in 1919 effected a considerable economy in the payment of

Indians. This economy has been disguised by the fact that the existing Indian members of the Services received overseas pay. But its effect will be felt increasingly every year. It must be remembered that any reduction in basic pay now carried out will in the same way make its effect felt only gradually, as it obviously cannot be applied to Indians already in the Services. The present basic pay is somewhere in the neighbourhood of the pre-war pay of the Services. The increase of pay now proposed would be confined practically to Europeans. This means in effect a further economy on the pay of Indians as compared with Europeans. The economy in fact is represented roughly by the whole increase that the rise in prices since the War has entailed. This is by no means a negligible saving. If the proposals of the Commission are accepted, Indian officers of the future in the Superior Services from the 12th year of service onwards will be receiving Rs. 450 a month, or with the passage concession Rs. 500 a month, less than their European contemporaries.

15. There is a further consideration of some importance in this connection. In the case of the Services in the transferred departments the remuneration of future entrants will be at the discretion of the transferred side of the Government. Provinces will therefore be able to experiment with lower pay in these Services, if there should be a political demand for this. It might be argued that it would be an advantage, pending the result of the experience thus gained, if the basic pay of the Services in the reserved field remained unaltered.

16. The Commission have proposed that the main relief in the matter of pay should be provided by means of a remittance privilege. Every European officer in receipt of overseas pay is to be allowed to remit the whole of his overseas pay at the rate of 2 shillings to the rupee. This scheme maintains a nominal equality between the overseas pay of Indians and of Europeans. But it entails certain obvious disadvantages :—

(*a*) In order to give the Europeans the relief proposed, it is necessary to increase the overseas pay of Indians by Rs. 50. If it is held that this is not really justified on practical grounds, an expenditure of approximately 2 lakhs a year would be incurred without any real necessity.

(*b*) The scheme rests on the conversion of rupees at the rate of 2 shillings. This may be attacked as an extravagant rate, thus diverting attention from the real point to be considered, which is whether the actual relief given to the Services is a reasonable amount. Further it would create what might prove to be an embarrassing precedent by granting a right to convert money at 2 shillings to the rupee.

(*c*) The scheme nominally bases the relief required by officers on the necessity of actually remitting money to England. But the young married officer with his wife and family in India does not require to make any remittances to England and may yet be in urgent need of assistance. These officers will require their overseas pay in rupees in India, and having been given the privilege of remitting their rupees to England at a favourable rate will then be forced to bring the money out again to India—re-converting it into rupees. This process is clumsy and open to misconception.

17. If the remittance scheme proposed by the Commission is not accepted, there remain the alternatives of giving the relief by a simple addition to the rupee overseas pay or of making an addition to overseas pay and stating the whole or part of the overseas pay in sterling. If overseas pay were stated in sterling, it would be disbursed in London. If an officer required the money for expenditure in India, he would have to make his own arrangements for remitting it to India. Indians would however have their overseas pay expressed and paid in rupees in India.

18. The following considerations might be advanced in favour of this scheme :—

(*a*) It is natural that overseas pay should be stated in overseas currency. This has the advantage of emphasising the special nature of this overseas pay.

(*b*) The rupee pay of all officers, both Indian and European, would be the same. This might be held to have certain advantages but this condition would not arise, unless the whole of overseas pay were stated in sterling.

(*c*) The payment of the money in England is likely on an average to be at least as convenient to European officers as payment in India. Whether the money is paid in England or in India, there will be a considerable number of officers who wish to expend it in the other country. At the present time large numbers

of officers have to make remittances to England every month. Under the scheme suggested, a number of officers would no doubt have to bring their overseas pay from England to India. Those, on the other hand, who are at present remitting from India to England would be saved the trouble.

(*d*) The reduction in the number of rupees drawn in India is likely on the whole to promote economy and saving.

(*e*) The effect of stating overseas pay in sterling is to make the rupee value vary with the fluctuations of the rupee. This may prove acceptable to the services, as it gives them a kind of insurance against the consequences of a fall in the value of the rupee, though at the same time they would draw fewer rupees if the value of the rupee rises.

19. Enquiries have been made from the Secretary of State whether overseas pay disbursed in sterling in London would be liable to British income-tax. He has replied that so long as an officer is not chargeable to British income-tax as a person residing in the United Kingdom, no liability to British income-tax would arise in respect of disbursements of overseas pay in London. There appears, therefore, to be no objection to the proposal on this ground.

20. If both the remittance privilege of the Commission and the scheme for stating overseas pay in whole or part in sterling are rejected, the final alternative is to make an addition to the overseas pay in rupees. This alternative has the merit of simplicity, though certain attractive features in the other schemes are missing. If this alternative were adopted officers of over 12 years' service would receive Rs. 450 a month overseas pay instead of the present Rs. 250, and all idea of exchange compensation and of making payments vary with the rate of exchange would be dropped,

21. It will be noted that the proposals of the Commission give an uneven amount of increase in the first 12 years of service. This arises from the fact that the Commission has employed alternately two different principles, that of length of service and that of age. The existing overseas pay is based on the principle of age. Excluding the Police who are treated somewhat differently, all officers on first joining get Rs. 150 overseas pay. This is raised to Rs. 200 at approximately age 30 and to Rs. 250 at approximately age 33. The Commission have proposed that some of their concessions should be given after a particular number of years' service and others should be given when an officer reaches a particular rate of overseas pay, the latter being determined by age.

22. The proposals of the Commission work out as follows, excluding the Police :—

(*a*) The benefit for all Services starts at the 5th year of service irrespective of age. The benefit is Rs. 75.

(*b*) This is increased to Rs. 175 at the age of 30.

(*c*) The benefit decreases to Rs. 125 between age 33 and the 12th year of service.

(*d*) It increases to Rs. 200 at the 12th year of service.

23. This combination of two different principles leads to some confusion. If a decision is to be made between the two, it would seem desirable that the relief should be given on the basis of age and not of length of service. This would be consistent with the decision which the Secretary of State made in 1921 that overseas pay should be fixed on the basis of age and not of length of service. This conclusion could be justified on the ground that the relief to be given is required mainly by married men, and men in all Services tend to marry about the same age.

25. If the form of relief recommended by the Commission is accepted, it may be advisable to accept their proposals as they stand in spite of the anomalies. If, however, it is decided to state overseas pay in sterling or to make a rupee addition to overseas pay, it might be considered whether the scale of increase should not be amended so as to produce a more uniform rise which will yield approximately the same result. A possible scale of this nature would be—

	Existing O. P.	Addition with rupee at 1*s.* 4*d.*
Age 27	150	+ 75 = 225 Total O. P.
Age 30	200	+125 = 325 Total O. P.
Age 33	250	+200 = 450 Total O. P.

25. The Commission have proposed to improve the basic pay of the Police, which, in spite of the recent revision is still on the footing of length of service appreciably lower than the other Uncovenanted Services. I am to ask whether the Government of Madras, etc., accept the new rates of basic pay proposed by the Commission.

26. With regard to overseas pay, if some such scale as is suggested in paragraph 24 were adopted, it would seem necessary to grant rather more favourable terms to the Police than a strict application of the age rule would yield. The Police at present receive Rs. 200 overseas pay at age 28 instead of age 30 and Rs. 250 at age 31 instead of age 33. This concession would naturally be reproduced. In that case the scale of overseas pay for the Police would be—

	Rs.
1st to 3rd year, age 20—22	100
4th and 5th year, age 23 and 24	150
6th to 8th year, age 25—27	225
9th to 11th year, age 28—30	325
12th year onwards, age 31	450

27. The Commission have proposed that the basic pay of the Indian Service of Engineers should be raised by Rs. 75 a month so as to absorb the present technical pay. It is probable that this increase of basic pay in the Indian Service of Engineers is not called for on the merits of the case. It is recommended only because the introduction of technical pay has created an invidious distinction which appears to cause serious dissatisfaction, and it is not clear in what way this undesirable anomaly can be removed except by absorbing technical pay in basic pay. I am to enquire whether the Government of Madras, etc., accept the proposal of the Commission.

28. The Commission have also recommended that for the future the judicial pay of Rs. 150 in the Indian Civil Service should be abolished. If this recommendation is accepted, it will be necessary to consider carefully which officers should be entitled in future to draw this pay. The Commission recommend that no officer appointed to the judicial branch after the date of their Report should receive judicial pay. The principle is unexceptionable. But the difficulty arises in deciding what may be regarded as appointment to the judicial branch. Most officers officiate as judge for several years before they are comfirmed. It would seem to be inequitable that officers who have already definitely elected for the judicial branch but who have not yet been appointed permanently should not be entitled to judicial pay. Some rule therefore may have to be devised which will ensure in practice that no officer who has already substantially elected for the judicial branch, should be deprived of judicial pay. I am to enquire whether the Government of Madras, etc., can suggest any rule which would yield equitable results.

29. In paragraph 56 of their Report the Commission point out that the Women's Branch of the Indian Educational Service is paid on a lower scale than the other All-India Services. The Commission think that this Service has a claim to some improvement in its emoluments but not necessarily to the same extent as the concessions recommended for the All-India Services generally. In considering the case of the Women's Branch of the Indian Educational Service it must be remembered that they already receive four second class return passages during their service and consequently the new passage concessions would be of comparatively little advantage to them. Their present overseas pay is Rs. 50 a month throughout their service. I am for purposes of discussion to suggest the following tentative scale—

Years of service.	Existing. O. P.	Addition.	Total O. P.
1 to 5	50	0	= 50
6 to 8	50	50	=100
9 to 11	50	100	=150
12 onwards	50	150	=200

30. To sum up I am directed to ask the opinion of the Government of Madras, etc. on the following points :—

(1) whether the general scale of increase proposed is accepted ;

(2) whether relief should be given to officers above the time-scales ; if so, up to what point this relief should be carried, what should be the amount, and whether it should be accompanied by a withdrawal of exchange compensation allowance from those officers at present entitled to it ;

(3) whether on general grounds there is any case for giving relief to Indian officers already in the services ; if so, to what classes and to what extent ;

(4) whether the basic pay of future Indian recruits in the All-India Services should be reduced ;

(5) whether the relief should be given (*a*) in the form recommended by the Commission, *i.e* a small addition to overseas pay combined with the privilege of remitting the whole overseas pay at 2/- to the rupee, or (*b*) by making an addition to overseas pay and stating the whole or part of overseas pay in sterling to be disbursed in London ; or (3) by making an addition to overseas pay in rupees to be paid in India ;

(6) in the event of the adoption of 5 (*b*) or 5 (*c*), whether the scale suggested in paragraphs 24 and 26 of this letter for the earlier years of service would be suitable ;

(7) whether the basic pay of the Police should be raised as proposed by the Commission ;

(8) whether the basic pay of the Indian Service of Engineers should be raised by Rs. 75, so as to absorb the present technical pay ;

(9) whether judicial pay should be abolished for future entrants ; if so, what would be an equitable rule for determining which officers should continue to draw judicial pay ;

(10) what would be a suitable scale of relief for the Women's Branch of the Indian Educational Service.

31. The Government of India desire it to be understood that their purpose in setting out some of the arguments for and against particular proposals made by the Commission or possible alternatives is merely to help in elucidating the questions for decision. Nothing in this letter should be taken as an expression of the views provisional or otherwise, held by the Government of India.

32. In view of the great importance of arriving at an early decision on the points discussed. I am to request that the reply of the Government of Madras, etc., may reach the Government of India not later than the 4th August 1924.

Copy of a letter No. F.-178/11-24-Ests., dated the 4th July 1924, from the Officer on Special duty with the Government of India in the Home Department, to all local Governments.

I am directed to invite a reference to paragraphs 13, 14, 15 and 30(4) of my letter No. 178/11-24-Ests., dated the 21st June 1924 regarding the basic pay of future Indian recruits to the all-India Services. Some of the arguments for and against a reduction were there stated and the opinion of the Government of Madras, etc., was asked as to whether the basic pay should be reduced. In this connection I am to point out that a suggestion which has been commonly put forward is that the basic pay should be two-thirds of the pay which may be sanctioned for European officers who would receive another third for overseas pay. I am to request that if the opinion of the Government of Madras, etc., is in favour of a reduction of the basic pay for future entrants, it may be stated whether this scale of two-thirds should be adopted with or without modifications for any or all of the four services* : or, if any other scale is recommended, sufficient details may be given to make it clear exactly what scales of basic pay are considered appropriate for each of these Services. It should also be considered generally whether a reduction in the rates of basic pay in the all-India services would involve a reduction in the pay of the Provincial services, and whether this would be an advantage.

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* Indian Civil Service. Indian Forest Service.
Indian Police Service. Indian Service of Engineers.

GOVERNMENT OF MADRAS.

PUBLIC DEPARTMENT.

LETTER FROM N. E. MARJORIBANKS, ESQ., C.S.I., C.I.E., I.C.S., CHIEF SECRETARY TO THE GOVERNMENT OF MADRAS, PUBLIC DEPARTMENT, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, NO. 559, DATED FORT ST. GEORGE, THE 5TH AUGUST 1924.

In continuation of paragraph 5 of my letter No. 472/O.-1, dated 23rd July 1924, I am directed to communicate the views of His Excellency the Governor in Council on the points raised in your letter No. 178/11-24-Ests., dated 21st June 1924, on the subject of the pay of the All-India Services.

2. As intimated in my letter, dated 23rd July 1924, His Excellency the Governor in Council accepts the general scale of increase proposed. Reasons were also given there in support of his concurrence with the views of the English members of the Commission regarding the need for relief to officers above the time-scale. It is true as pointed out in your letter under reply that these proposals read with the recommendations in paragraph 55 of the report confer a double and very considerable benefit on junior officers in lower administrative posts on the scale of Rs. 1,750—100—2,150. It is difficult to see why a recommendation so unequal in its operation as that in paragraph 55 of the report should have been made especially as the pay of officers of this rank has been raised appreciably in recent years. His Excellency the Governor in Council would have preferred to have given these officers only the remittance concession recommended by the English Commissioners, but having regard to the remarks of the Commission in paragraph 103 of its report, he is prepared to accept the recommendation in paragraph 55 as well.

In regard to officers in the higher administrative posts, particularly in the Indian Civil Service, I am to point out in support of the view taken in paragraph 5 of my letter of the 23rd July that not only has their substantive pay not been increased, but, owing to the abolition of exchange compensation allowance during a brief period of high exchange, their salary is now actually less than that of their predecessors a few years ago.

In all cases where exchange compensation is still admissible, it should in the opinion of His Excellency the Governor in Council be withdrawn on the grant of the remittance concession recommended.

3. His Excellency the Governor in Council has carefully weighed the considerations set out in paragraphs 9 to 12 of the letter under reply and he is of opinion that the proposals of the Commission should be accepted, namely, that Indian members of the services who are already entitled to overseas pay should be granted the full relief if they can satisfy the High Commissioner that they have wives or children in Europe and that the overseas pay of Indians should be increased by the sum of Rs. 50 from about the age of 30.

4. On the further question mentioned in paragraphs 14 and 15 of your letter, His Excellency the Governor in Council does not consider that any change in the basic pay of future Indian recruits in the All-India Services is now either justifiable or expedient and agrees in the argument advanced in paragraph 5 of your letter.

5. As regards the form in which the remittance benefit should be given (paragraphs 13 to 20 of the letter under reply), His Excellency the Governor in Council does not perceive much difference between the form recommended by the Commission and the proposal to make an addition to overseas pay and state the whole or part of the overseas pay in sterling, but considers the form proposed by the Commission preferable, firstly, because the benefit is proposed in cases where no overseas pay is payable as such, and secondly, because the Commission's form will make it easier to differentiate between those who are entitled to it and those who are not; for example, an Indian officer who may at one time be able to satisfy the High Commissioner that he has commitments in England may not always be able to do so. As regards the third alternative of simply making an addition to overseas pay in rupees, the main objection appears to His Excellency the Governor in Council to be that the benefit rises as the exchange value of the rupee rises and decreases as exchange falls, which is contrary to the intention of the benefit.

6. His Excellency the Governor in Council agrees that the Commission has established a case for improvement of the basic pay of the Police and accepts their proposals in this respect.

7. On the other hand the arguments adduced in favour of raising the basic pay of the Indian Service of Engineers so as to absorb the present technical pay do not appear to be adequate, but as His Excellency the Governor in Council is anxious not to dissent from the recommendations of the Commission, save where he feels compelled to do so, he is prepared to accept their recommendations in this matter also.

8. For the same reason His Excellency the Governor in Council is prepared to accept the Commission's proposal that judicial pay should be abolished, but is constrained to point out that there are special objections to the proposal in this Presidency. As there are no Commissioners of divisions, Collectors are paid on a somewhat higher time-scale than elsewhere so that even with judicial pay, the judicial branch of the Indian Civil Service in Madras is at a disadvantage and comparatively few of the junior officers have selected this branch. If judicial pay is abolished, the judicial branch will be still more unpopular. It is possible however that the proposals made in reply to your letter No. F.-178/10-24, dated 21st June 1924, for an increased rate of Indianization in this branch will meet this difficulty.

Regarding the application of this recommendation to abolish judicial pay, His Excellency the Governor in Council agrees in the suggestion made in paragraph 28 of your letter that no officer who has already substantially elected for the judicial branch should be deprived of judicial pay. In this Presidency, the practice is to call on all officers of 8 years' service to state their preference whether for the judicial or executive branch. At present there are only five officers of the Indian Civil Service who have declared their preference for the judicial branch and who have not yet actually officiated as District and Sessions Judges. His Excellency the Governor in Council considers they may be admitted to judicial pay as also one officer whom it has been decided to appoint as District and sessions Judge but who has not yet returned from leave to take up such an appointment.

9. In regard to the Women's Branch of the Indian Educational Service His Excellency the Governor in Council considers the proposals in paragraph 29 of the letter under reply fair and reasonable.

10. The Hon'ble the Ministers adhere to the opinions expressed in their memorandum forwarded with my letter No. 472/O.-1, dated 23rd July 1924. Paragraph 8 of that letter regarding the views of the Hon'ble Sir Muhammad Habib-ul-lah also applies to this letter.

Extract from a telegram from the Government of Bombay, dated the 5th August 1924.

* * * * * * * * * *

Decisions have been arrived at in regard to pay and passages, subject always to reservation minority already communicated, viz., that minority would make no concession to services unless control of All-India Services is transferred from the Secretary of State to some authority in India.

Your letter No. F.-178/11/24.

Question 1.—Government accept scale, though doubtful whether adequate.

Question 2.—Government agree with English Commissioners and consider that all officers above the time-scale drawing Rs. 4,000 or less should get Rs. 400 remittance benefit. High Court Judges should surrender exchange compensation allowance. Reference proposal in paragraph 55 of Report for pay of certain administrative posts this Government considers that present incremental scale should be retained and remittance concession allowed rather than that pay be raised to Rs. 2,150 without concession. Minority however fix pay at Rs. 2,150 without concession.

Question 3.—Though otherwise scarcely defensible, proposal accepted as a political compromise.

Question 4.—Yes.

Question 5.—Government indifferent which method is adopted, but extent of concession should be limited to commission's proposals, should overseas pay increase when basic pay is lowered.

Question 6.—Scale suitable.

Question 7.—Accepted.

Question 8.—Accepted, but this Government considers that in regard to future Indian entrants basic pay should be lowered.

Question 9.—Yes; but all Assistant Collectors shown on the Civil List of April 1924 as having done duty in judicial branch, and being on promotion list for district judgeships, should retain their present rights to it.

Question 10.—Scale proposed in your paragraph 29 suitable.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF BOMBAY, NO. 3369, DATED THE 25TH AUGUST 1924.

I am directed to reply as follows to your letter No. F.-178/11/24, dated 4th July 1924, in which you raise the question whether the basic pay of future Indian recruits to the All-India Services should be reduced and if so to what extent. You have referred to a specific suggestion— which has commonly been made, namely that the basic pay of these Services should be fixed at 2-3rds of the pay which may be sanctioned for European officers, who would receive another third for overseas pay.

2. The question of basic pay has received very careful consideration and as already stated in my telegram of 5th August 1924 the Governor in Council is of opinion that it should be reduced for future Indian recruits to the three services affected in this Presidency— viz., the I. C. S., the Indian Police and the Irrigation Branch of the Indian Service of Engineers. I am further to state that as regards the extent of reduction the Governor in Council considers that the specific proposal to fix basic pay at two-thirds of the pay which may be sanctioned for European officers may be accepted as a fair guiding principle upon which to proceed, but is not prepared to accept it as a hard and fast rule to be applied to each of the Service; from top to bottom without consideration of its suitability in the case of particular appointments. It is probable that in certain cases, as for instance those of appointments above the time-scale, the rigour of the rule will require to be considerably modified.

3. I am therefore to state that while the two-thirds suggestion may in the opinion of the Governor in Council be accepted as a general guide he is not prepared to accept it without modification or to make definite proposals as regards the scales of basic pay in the All-India Services without further consideration.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF BENGAL, NO. 9425-A., DATED THE 11TH AUGUST 1924.

I am directed to refer to your letters Nos. 178/11/24-Ests., and F.-178/11/24-Ests., dated the 21st June 1924, and 4th July 1924, regarding the proposals of the Royal Commission on the Superior Civil Services in India about the pay of the All-India Services. In paragraph 30 of your letter, the opinion of this Government has been asked on 10 points, and I am to reply as follows:—

(1) The Governor in Council accepts the proposal for the increase in overseas pay for officers in the time-scale to the extent suggested by the Commission.

(2) The Governor in Council does not attach any more importance to the principle of equal remuneration in administrative posts than to that in the ordinary posts on the time-scale. Overseas pay is intended primarily to meet the special circumstances of overseas expenditure, and as has been pointed out, equal remuneration in administrative posts practically means that the Indian officer draws overseas pay. The Governor in Council has already replied in letter No. 8258-A., dated the 9th July 1924 that this Government concur in the views expressed by the English members of the Commission in Appendix 4, in favour of allowing relief to officers above the time-scale. In his opinion, relief should be granted to officers drawing Rs. 4,000 or less, and he sees no reason why it should be granted at a reduced rate to officers in the higher posts whose overseas demands are not likely to be less than those

officers on lower pay. If the remittance privilege is given on a scale equivalent to a benefit of Rs. 200 a month with the rupee at one shilling and four pence, it is only reasonable that exchange compensation allowance should be finally abolished.

(3) and (4) These points are still under the consideration of this Government, and a reply will be submitted shortly.

(5) Provided that the overseas pay is calculated at two shillings and that there is no liability to British income-tax, the Governor in Council considers that alternative (*b*) would be the most satisfactory form of relief. He would express overseas pay in the form of a sterling figure payable in London for European officers.

(6) The rates suggested in paragraphs 24 and 26 of your letter are suitable, but the proposals will require modification if one-third overseas pay is adopted. An alteration having the same final financial effect would be acceptable.

(7) If the two-third proportion is ultimately adopted as the basic pay for Indians, the initial pay of an Indian police officer would be only Rs. 300. The dearth of suitable recruits for the Indian police service, whilst the best type of recruits come forward in large numbers for the Bengal Civil Service (Executive) with inferior financial prospect is probably due to dislike of the hardships of the service and to the vilification to which it is subjected in the press. A small alteration in the initial pay in either direction is in the opinion of the Governor in Council unlikely to make the slightest difference.

(8) The Governor in Council agrees that the basic pay of the Indian Service of Engineers should be raised by Rs. 75 so as to absorb the present technical pay.

(9) The Governor in Council accepts the principle that judicial pay should be abolished for future entrants. There appear to be difficulties regarding the method in which effect should be given to the proposal owing to the different systems in force in different provinces. In Bengal there is no officer who had less than 7 years' service at the date of the Report of the Royal Commission, who had up to that time officiated either as Registrar of the High Court or as a District and Sessions Judge, and there was only one officer with less than 8 years' service who had done so. This officer has been officiating since April 1923, except for a period of leave due to illness. He will almost certainly continue to officiate, as there are at present an excessive number of Provincial Service officers officiating, who should revert before him, and he will be likely to be appointed permanently to the judicial side in due course. It would operate hardly if he were now deprived of the judicial allowance. The Governor in Council would therefore suggest that, as far as Bengal is concerned, officers of more than 7 years' service at the time of the signature of the Report should be paid judicial allowance in conditions under which they should have been entitled to it at the date of the Report.

(10) The Governor in Council considers that the rate of overseas pay proposed in paragraph 29 of your letter for the Women's Branch of the Indian Educational Service is suitable. He understands that it is intended to bring these officers into line with the members of other services by extending the new passage concession to them.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF THE UNITED PROVINCES, No. 1037-Z., DATED THE 28TH JULY 1924.

I am directed to reply, on behalf of the Governor in Council, to the Home Department letter No. 178/11/24-Ests., dated June 21, 1924. As in previous replies the paragraphs below will correspond with the headings given in the summary in para. 30 of that letter. The reply is subject to the note of the Hon. Home Member forwarded as an

annexure to this Government's letter No. 3328, dated July 8, 1924. A copy of the note* is attached for reference.

(1) " Whether the general scale of increase proposed is accepted."

This general scale of increase, apart from possible modifications in detail, is accepted. In replying to letter No F.-172/24/Ests., dated June 18, 1924, which deals with the main outlines of the Commission's report, the Governor in Council indicated his agreement with the Secretary of State in attaching great importance to the point emphasised in para. 108 of the report regarding the inter-dependence of the recommendations. He urged that the main proposals were vitally inter-dependent and that violence would be done to the whole structure of the recommendations if substantial alterations were made. From this point of view H. E. in Council is prepared to accept the general scale of increases proposed as reasonable. The Commission have summarised in paragraphs 43—51 of their report the reasons which convinced them that an improvement in emoluments is absolutely necessary. They admit the existence of strong evidence to show that a considerable proportion of married officers now serving are either falling into debt or only avoid doing so by economies which may be detrimental to their contentment and efficiency. They obtained independent confirmation of this view from banks and financial houses and were satisfied that this state of things is in no sense due to extravagance and is one which calls for early alleviation. They note that the scales in force for the All-India Services up to 1919 were considered by the Islington Commission to be inadequate in 1914, and they concede that the present rates of pay are far below " the level which proved attractive 20 years ago ". After comparison with the remuneration paid by commercial houses, the Commission felt and said that the disparity was so conspicuous that something should be done without delay to restore contentment. With the urgent need of economy in Indian administration prominently before them, the improvements proposed are described as absolutely necessary. It is obivous therefore that additions to the overseas pay drawn under the time-scales varying from nothing to Rs. 200 per mensem are the lowest increases which could possibly be suggested to meet an admitted rise of 60 per cent in prices in India and of 50 per cent in the cost of education in England (para. 47). In all the circumstances of the time the Governor in Council, whatever his own opinion may be, does not propose to argue that the suggested increases are inadequate. He feels that they will contribute little towards stimulating European recruitment, but he recognises the difficulty of the problem and he admits that the Commission's conclusions represent a fair compromise between conflicting interests. He hopes that the compromise will be similarly respected by critics who are disposed to complain of the high cost of the European personnel. He desires, however, again to emphasise the inter-dependence of the Commission's recommendations. The proposals regarding overseas pay are linked with those relating to passages, medical attendance and house-rent as well as with improved pensions in the uncovenanted services and the Governor in Council accepts the former only on the assumption that the recommendations of the Commission are adopted in their entirety :

In this connection I am to observe that in one respect the Indian Educational Service and the Indian Agricultural Service may require special treatment. If the future recruitment for these services is so conducted as to reduce the numerical strength of the existing cadres, the number of selection posts will be automatically reduced. This will affect the prospects of existing members in regard to both pay and pension. In this province, the six junior selection grade posts and the two senior selection grade posts in the I. E. S. and the two selection posts in the Indian Agricultural Service should be retained for so long as there are officers, at present serving, qualified by merit to hold them. Otherwise the Commission's recommendations for improving emoluments would be largely nullified. If there is any disposition to reject this proposal, the matter might well be raised in a separate reference, when this Government's views could be stated in greater detail and supported by tables which would be inappropriate in the reply to the present reference.

In the P. W. D., B. and R. branch the abolition of certain posts of Superintending Engineer and Executive Engineer, actually now proposed in the United Provinces, stands on a different footing and may be treated as a separate question, involving as it does the problem of existing and accruing rights. Sanction will have to be obtained to the proposed abolition, and the matter can well be taken up when sanction is applied for.

* Not printe l with this letter.

(2) "Whether relief should be given to officers above the time scales; if so, up to what point this relief should be carried, what should be the amount, and whether it should be accompanied by a withdrawal of exchange compensation allowance from those officers at present entitled to it".

In reply to the Home Department letter no. F. 172-24-Ests., dated June 18, 1924, the Governor in Council stated that he strongly supported the views expressed by the English Commissioners in Appendix IV. In making this statement he had not overlooked the recommendation in para. 55 regarding the officers on a pay of Rs. 1,750—100—2,150, but he considered the proposal of the English Commissioners to be one for the grant of uniform relief to all officers above the time scale as far as the upper limit laid down by them; and it was as such that he supported it.

The arguments of the Indian members on this subject seem to the Governor in Council either inaccurate or merely academic. It is certainly not the case that the financial conditions of the officers concerned do not call for relief. The pay of Europeans and Indians in the administrative posts is already differentiated in favour of the latter by the fact that they serve in their own country. The differentiation is expressed on a cash basis in the time scales. If it is right there, it is equally right above the time scales and for the same reason. The Government of India expressly disavow (para. 31) any intention of expressing their own views in the arguments adduced in para. 4 of their letter. None the less those arguments seem to this Government conclusive. The Governor in Council attaches no greater importance to the principle of equal remuneration, on which the Indian members have laid stress, in the case of administrative posts than in that of other posts. He is impressed by the known difficulties of officers above the time scale. Not only are incumbents of these posts in manifest difficulty at the present time; but they have for years served on pay which at every stage has been shown conclusively by the Commission itself to be well below the old standard of contentment; in the I.C.S. and the Police promotion has in these provinces been blocked for a generation whereas time scales were only introduced after the war; whilst it is a significant fact that officers now holding posts outside the time-scale receive emoluments which, thanks to the disappearance of exchange compensation allowance, were actually reduced by the revision of 1919. A further, if relative, reduction is out of the question. It is well to remember that officers will submit to hardship in the early and intermediate periods of their service if they can look forward to reasonable comfort later on. The existence of higher posts stimulates many officers who will themselves never reach them. Under the conditions imposed by the Indian Commissioners in Appendix IV, it will make little material difference to an I. C. S. officer whether he is a commissioner or a collector, and to the I. P. S. officer whether he is a superintendent or a deputy inspector general. The remarks of the Chairman in his note to Appendix IV are based on sound common sense. The Governor in Council has no hesitation in recommending that the remittance benefits be conceded to all officers above the time scale whose salaries do not exceed Rs. 4,000 per mensem. He is satisfied from personal observation that all these officers are involved in the general financial stress. Their pay has suffered a progressive reduction in purchasing power during the last ten years. The relief proposed is modest in the extreme, and it would be a grave mistake to attenuate it by applying a diminished rate. H. E. in Council would include even High Court Judges in this moderate concession.

The Governor in Council would not withdraw exchange compensation allowance from any officer who at present receives it. Too many past revisions purporting to improve pay and prospects have given with one hand and taken away with the other. A conspicuous instance of this was the withdrawal of exchange compensation allowances on the introduction of the time-scales in 1919. The impression produced on men affected by measures of this kind is always disproportionately bad. The improvements in emoluments proposed by the Lee Commission are not such as to justify any action of the kind suggested, and the Governor in Council strongly deprecates it. Apart from general considerations it can be shown that the abolition of E. C. A. would result in actual loss to certain officers, even if all the unanimous recommendations of the Commission are accepted. If there is any disposition to abolish this allowance, the Governor in Council would ask for a further opportunity of developing his views in detail.

(3) "Whether on general grounds there is any case for giving relief to Indian officers already in the services; if so, to what classes and to what extent?"

The Governor in Council can find no valid grounds for extending financial relief to Indians. In his opinion there was no real justification for the grant in 1919 to Indians already in the services of overseas pay. It is too little recognised that overseas pay is, as its designation indicates with sufficient precision, intended to compensate for exile, for strenuous work in a bad climate, for the disruption of family life and for the loss of all that makes life in Europe attractive. The compensation is assessed at a figure which in all the circumstances can only be classed as extremely moderate. On the merit the Governor in Council would indeed be prepared to go further. He believes (and he pressed this view upon the Commission) that if all but business considerations were excluded, there is an overwhelming case for the reduction of the basic pay for Indians. For reasons noted below he now accepts on this point the recommendation of the Commission. If Indian opinion on the subject is not strong enough to make itself felt effectively, the country must continue to pay the sanctioned rates of basic pay, which are well above those for which the material available could be obtained. Similarly it seems impossible to defend on economic grounds any further concessions to Indian officers. Nevertheless, whilst this is the view which the Governor in Council takes on the merits, he considers that if the other recommendations of the Commission are accepted, it would be inexpedient to refuse to Indian officers who now draw overseas pay, the extra concessions recommended in paragraph 54 of the report. To do so would lend colour to the charge, which is being freely made in certain quarters, that the Government are concerned only with the interests of their European employés. The proposals of the Commission in paragraph 54 regarding Indian officers must be treated as an integral part of their scheme, and accepted as such.

(4) " Whether the basic pay of future Indian recruits in the All-India Services should be reduced."

On this point it is for the country to make its voice heard. The Governor in Council has indicated his own opinion, but he has no choice but to accept the Commission's decision as it is evident that it would not have taken this form if public opinion had been sufficiently strong on the other side. Until the political voice of India can make an effective demand for reduction, the country must continue to pay for the Indian members of its services at rates which are believed to be above the market rates for the material obtained. The forthcoming debate in the Assembly may give an opportunity of gauging public opinion on this point, if the discussion extends beyond criticism of the proposals affecting European public servants. In any case, as the Government of India point out, it will be possible to apply practical tests to the strength of Indian feeling in this matter in the new provincial services which are to be organised in the transferred departments.

(5) " Whether the relief should be given (*a*) in the form recommended by the Commission, *i.e.*, a small addition to overseas pay combined with the privilege of remitting the whole overseas pay at 2/ to the rupee, or (*b*) by making an addition to overseas pay and stating the whole or part of overseas pay in sterling to be disbursed in London ; or (*c*) by making an addition to overseas pay in rupees to be paid in India."

The important point is that the concession should be granted, and on the whole the Governor in Council thinks that it had better be granted in the form recommended by the Commission. The alternative scheme described in paras. 17 and 18 of the Government of India's letter is perhaps in itself preferable, but its superiority to that of the Commission's is not very marked, and on the general ground that the proposals of the Commission should be accepted, unless there are very strong reasons for rejecting them, the Governor in Council recommends that their plan be adopted.

(6) " In the event of the adoption of 5 (*b*) or 5 (*c*), whether the scale suggested in paragraphs 24 and 26 of this letter for the earlier years of service would be suitable ".

The balance of expediency seems to be in favour of leaving the Commission's proposals as they stand. The adjustments suggested are slight, and on the whole not worth making, more especially as the net result is negligible.

(7) " Whether the basic pay of the Police should be raised as proposed by the Commission."

This is accepted.

(8) " Whether the basic pay of the Indian Service of Engineers should be raised by Rs. 75 so as to absorb the present technical pay ".

This is accepted.

(9) "Whether judicial pay should be abolished for future entrants; if so, what would be an equitable rule for determining which officers should continue to draw judicial pay".

The most equitable rule is to continue judicial pay to all who have at any time received it and to stop it in new cases from the date on which orders are finally passed accepting this recommendation. The Governor in Council agrees that there is no justification for judicial pay in future.

(10) "What would be a suitable scale of relief for the Women's Branch of the Indian Educational Service".

The scale recommended is:—

Years of service.	*Addition overseas pay.*	*Total overseas pay.*
1 to 3	*Nil.*	50
4 to 6	50	100
7 to 9	100	150
Above 9	150	200

As the Governor in Council has suggested no alternative in basic pay for Indians, it is unnecessary to reply in any further detail to the Home Department letter No. F. 178-11-24-Ests. of July 4, 1924.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF THE UNITED PROVINCES No. 3779, DATED THE 29TH JULY 1924.

I am directed to enclose for the consideration of the Government of India a representation* on paragraph 55 and Appendix IV of the Royal Commission's report received from the United Provinces Indian Civil Service Association. Two printed communications from the Honorary Secretary of the Association to the President of the Commission are referred to in the body of the representation and are attached to the enclosure to this letter as annexures.

2. The Governor in Council has submitted his opinion on the whole question of the extension of remittance benefits to officers outside the time scales in my letter No. 1037-Z., dated July 28th, 1924. He has strongly supported the views of the English Commissioners set forth in Appendix IV, and has urged that the moderate concession embodied in the Commission's proposals for granting remittance benefits to officers in the time-scales should be extended to all officers above the time-scale whose salaries do not exceed Rs. 4,000 per mensem.

3. It is only necessary to add in forwarding this representation that the concession asked for is one which concerns the whole service, present and future. This is not a matter affecting only a few senior officers who will soon pass into retirement. It has already been pointed out in answering the Home Department letter No. 178-11-24-Ests., dated the 21st June, 1924, that the higher posts in a service stimulate the energies and ambition even of those who will never reach them. Prior to 1919 a Commissioner drew Rs. 2,916-10-8 per mensem *plus* exchange compensation allowance amounting to Rs. 138-14-3, when the rupee stood at 1*s*.4*d*. as against Rs. 2,250 *plus* Rs. 138-14-3 exchange compensation allowance drawn by a first grade Collector, a difference of Rs. 666-10-8. After the revision of 1919, the senior Collector's pay rose to Rs. 2,500, the Commissioner's being reduced to Rs. 3,000 per mensem nett by the abolition of exchange compensation allowance. If only the unanimous recommendations of the Royal Commission are accepted, the senior Collector's emoluments will be valued at Rs. 2,700 whilst the Commissioner's pay remains unchanged at Rs. 3,000, thus reducing the Commissioner's advantage of five years ago from Rs. 666-10-8 to Rs. 300 per mensem. There will in fact be very little difference between the pay of the so-called prize posts, reserved for senior officers of more than average merit, and the maximum pay of the time-scale.

4. The same argument applies *mutatis mutandis* to the other officers above the time-scale. Though the Islington Commission proposed to compensate them for the loss of exchange compensation allowance by adding permanently to their pay a sum roughly equal to the maximum exchange compensation admissible, it was finally decided to leave

* Not printed with this letter.

the pay unchanged though exchange compensation was abolished. As in the case of Commissioners, the acceptance of the Indian Commissioners' views would now result in a further relative reduction in the pay of these posts, and therefore the same arguments apply.

5. There is no doubt that officers above the time-scale are involved in the general economic pressure. The Governor in Council is in close touch with the facts, and is satisfied that the Indian Commissioners are wrong in their assertion that no relief is actually needed in the case of officer holding the higher administrative appointments. Unless remittance benefits are extended to officers above the time-scale, there will be little justification for the term "prize post," which is already a misnomer. Even the English members of the Commission have lost sight of the fact that officers outside the time-scale have spent most of their service on rates of pay admittedly below the level of contentment. The Islington Commission thought the scale in force up to 1919 to be inadequate in 1914, and the Lee Commission do not consider that the increases given in 1919 were commensurate with the rise in prices before and after 1914. Yet officers above the time-scale with a few anomalous exceptions actually found their emoluments reduced in 1919. If the officers referred to in this representation are ever, in the new conditions, to meet their social obligations to Indians, it is essential that this second attempt since 1914 to bring pay into some relation with actual conditions should not result in a second reduction in the relative emoluments of officers above the rank of Collector and District Judge.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF THE PUNJAB, No. 18987-GAZETTE, DATED THE 6TH OF AUGUST 1924.

I am directed to refer to your letter No. 178-11-24-Ests. of the 21st of June, 1924, on the above subject and to convey the following views of His Excellency the Governor in Council:

2. As explained in my letter No. 26-Camp-Gazette, dated the 30th of July 1924, the Governor in Council is sceptical whether the increase of pay proposed by the Royal Commission will be sufficient to attract recruits of the required stamp in the United Kingdom. He is convinced by the memorials received from various "Service" Associations that it will not be sufficient to allay the discontent or to relieve the financial embarrassments of the existing members of the Services. Nevertheless the Governor in Council is prepared, in view of existing conditions, to accept the general scale of increase proposed in spite of the criticisms received from the various "Service" Associations. He views the proposals of the Royal Commission as a compromise between two conflicting sets of interests, and he considers that the best course would be to accept it without substantial modifications, on the clear understanding that no attempt will be made to reduce the amount of relief to be given to the Services below what is recommended by the Royal Commission.

3. As regards the question whether relief should be given to officers above the time-scales, the Governor in Council desires to repeat the view stated in paragraph 9 of my letter No. 26-Camp-Gazette of the 30th of July. He accepts the view of the English Commissioners as set forth in Appendix IV (1) to the Report, with the exception that he would not give any relief to officers in receipt of salaries of Rs. 4,000 p. m. or more.

In reply to the subsidiary question whether relief to officers above the time-scales should be accompanied by a withdrawal of exchange compensation allowance from those officers at present entitled to it, the Governor in Council understands that the only officers now in receipt of this allowance in the Punjab are Indian Police Officers—recruited before 1906 and certain judges of the High Court who were in receipt of the allowance in question before 1919. The number of these officers is limited and in view of the comparatively small amount of saving that would be effected by the withdrawal of the allowance, the Governor in Council is not in favour of a withdrawal, unless the pay of the officers in question is to be increased by an amount at least equivalent to the allowance which they now enjoy.

I am to add that the Hon'ble Sardar Bahadur Sardar Sundar Singh Majithia, Revenue Member of this Government differs from his colleagues in regard to the main question of relief to officers above the time-scale, and prefers the view taken by the Indian Commissioners in Appendix IV (*ii*) to the Report.

4. Paragraphs 9 to 12 of your letter deal with the question whether on general grounds there is any case for giving relief to Indian officers already in the Services, and if so, to what classes and to what extent. In regard to this question, the Governor in Council is in favour of accepting the proposals of the Royal Commission, *viz.*, that Indian members of the Services who are already entitled to overseas pay should—

(*a*) receive the substantive increase in overseas pay recommended for officers of non-Asiatic domicile; and

(*b*) should enjoy the proposed remittance concessions provided that they can satisfy the High Commissioner that they have wives or children in Europe.

In forming this opinion the Governor in Council has been influenced both by the argument, on which so much stress has been laid by the Royal Commission itself, that their proposals should be treated as parts of an integral whole, and also by the consideration that it is highly desirable in the interests of the smooth working of the administration, that Indian officers should not feel that they have been deprived of the privilege of equal treatment with their European colleagues to which they considered themselves entitled, when they entered the Service. The Governor in Council has reason to believe that there is a strong feeling amongst Indian officers of the All-India Services on this subject. I am forwarding to you separately a representation received from one such officer which bears out this view.

5. As regards the question whether the basic pay of future Indian recruits to the All-India Services should be reduced, the Governor in Council is of opinion that the weight of the arguments is on the whole against any such discrimination in the case of the four Services that will, under the proposals of the Royal Commission, retain their All-India character. It is true that in replying to the questionnaires of the Royal Commission this Government expressed the view that the present rates of pay were adequate or more than adequate for Indians. As, however, the Royal Commission has not itself suggested any such reduction the Governor in Council is not in favour of taking this question into consideration in connection with the recommendations of the Commission. He would prefer to treat the matter as one for the determination of Provincial Governments, if and when the subjects with which the Services in question deal are transferred, and the Services themselves consequently become provincialized.

As the local Government is not in favour of any reduction in the basic pay for future Indian entrants, it is not necessary for me to send a separate reply to your letter No. 178-11-24-Ests. of the 4th of July last on this subject.

6. I now turn to the consideration whether the remittance privilege, or its equivalent, should be given—

(*a*) in the form suggested by the Royal Commission in paragraph 54 of the Report, or

(*b*) by means of a sterling payment disbursed in London, or

(*c*) by means of an addition in rupees to overseas pay.

The Governor in Council has consulted Heads of Departments in regard to this matter and finds that there is among them a considerable difference of opinion. His own view, however, is strongly in favour of sterling payments in London, as that method would in his opinion emphasise the purpose for which the relief is given. He notes that the Government of India have satisfied themselves that sterling payments in London will not subject the recipient to the levy of British income-tax on that or any portion of his income.

7. In reply to the sixth question stated in paragraph 30 of your letter I am to say that the Governor in Council would accept the scale of remittance privileges proposed by the Royal Commission as it stands in spite of its anomalies.

8. As regards the increase proposed by the Commission in the basic pay of the Police, I am desired to forward for the information of the Government of India an extract from a letter dated the 22nd of July, 1924, from the Inspector General of Police which may be accepted as representing the general view taken by the Service regarding the proposed increase. It is clear from this letter that the proposals of the Royal Commission will do little towards allaying the existing discontent in the Police Service, nor is it likely in itself to stop retirements on proportionate pension. At the same time, though

sympathizing with the natural desire of the Service for a larger measure of relief than is recommended, the Punjab Government does not feel itself in all the circumstances of the case able at present to recommend a greater increase in the basic pay of the Police.

9. The Governor in Council has consulted the Heads of Departments concerned on the proposal that the basic pay of the Indian Service of Engineers should be raised by Rs. 75 so as to absorb the present technical pay. He agrees with the Heads of the Departments concerned that this proposal should be accepted.

10. As regards the question whether the judicial pay of Rs. 150 p. m. for the Indian Civil Service should be abolished, I am directed to forward for the information of the Government of India a copy of a letter No. 26401-G. of the 10th of June from the Registrar of the High Court at Lahore. It will be observed that the Hon'ble Judges are strongly opposed to this proposal, but the Governor in Council regrets that he is unable to share this view. There has always been some doubt whether a special allowance for officers serving in the judicial branch could be justified on the merits of the case, and since this allowance was introduced in 1919 applications for transfer from executive to judicial work have become more common than in the past. The Governor in Council would, therefore, accept the proposal of the Royal Commission, but he suggests that the orders giving effect to this decision should be qualified by the two following provisos :—

(*a*) that no officer actually in receipt of judicial pay on the 27th of March, 1924, shall by reason of these orders cease to draw such pay,

(*b*) that no officer whom the local Government certifies to have selected definitely (and with the approval of the local Government) for the judicial department before the 27th of March, 1924, shall be debarred by these orders from drawing judicial pay.

11. The Governor in Council accepts the scale of overseas pay proposed in paragraph 29 of your letter for the Women's Educational Service as suitable. He suggests, however, that the scale of pay should be regulated according to age and not according to years of service.

Extract copy of letter from the Inspector-General of Police, Punjab, to the Chief Secretary to the Government, Punjab, Simla, No. 606-S., dated the 21st-22nd July 1924.

SUBJECT.—*Recommendations of the Lee Commission regarding Pay.*

I have the honour to refer to the two letters on the above subject, numbered F.-178-11-24-Ests., and dated the 21st of June and the 4th of July, 1924, respectively, from the Secretary to the Government of India, Home Department, to Local Governments, and to submit the following representation regarding the recommendations of the Lee Commission in so far as they affect the pay of the Indian Police Service :—

As has already been pointed out, the recommendations of the Commission with regard to the pay of the Indian Police Service are both inadequate and inconsistent. The Commission lay great stress on the importance and unpleasantness of Police work, the need for slower Indianisation and the urgency of keeping the force efficient. They also place the Indian Police Service next in importance to the Indian Civil Service. In spite of this, however, the Commission's recommendations leave the pay and prospects of the Indian Police Service below those of all other Services, mainly, it appears, to avoid disturbing the relative position of the Service to other Uncovenanted Services. The age for age comparison which is so frequently used as an argument for retaining the Indian Police Service in an inferior position, overlooks the fact that the Police officer has served in the East three years longer than the Forest officer and 2½ years longer than the Engineer, and that he reaches the various stages in life at an earlier age. He takes leave earlier, marries earlier (in the Punjab the actual average age at which Police officers marry has been ascertained to be 28 years, whereas in other Services it is 30) and possibly loses his health earlier. He also discharges responsible duties of vital importance to the administration at an earlier age; while on the other hand, his promotion to the more highly paid posts comes at a later age. In the Punjab the average of reaching administrative rank in the P. W. D. is 44, in the Forest Department, 44 and in the Police Department, 47. The service for service comparison is the more natural one in dealing with the cases

of Europeans serving in India and the failure to accept this principle is the cause of much discontent in the Indian Police Service, particularly in view of the recognised difficulty and unpleasantness of the duties to be performed.

After all that had been said by the Commission regarding the importance, etc., of the Indian Police Service, the logical conclusion would have been to recommend a more generous scale of pay without reference to other Uncovenanted Services, most of which are destined to be provincialised. It is, however, apparent that the exaggerated statements regarding the finances of India or the desire to arrange a compromise with the Indian members induced the Commission to whittle down the improvements in the pay and prospects of the Indian Police Service which were obviously indicated. As evidence of this, the following remarks of Sir Reginald Craddock in para. 3 of his minute on the emoluments of the Superior Civil Services in India may be quoted :—

> "It is really impossible to justify annual increments of only Rs. 25 per mensem in the case of the Police as compared with increments of Rs. 50 in other Services. Indeed, the rate of annual increment in the Police is smaller in many instances than in some of the Provincial Services."

In spite of these remarks, a perusal of the time-scale recommended for the Indian Police Service will show that for no less than four years in succession the increment is only Rs. 25.

The Police case submitted to the Commission included a carefully prepared statement of the cost of living based on the actual requirements of a European Police officer. This the Commissioner made no attempt to challenge. It is maintained that the scale of pay suggested therein represents the very minimum "necessary to obtain recruits of the right stamp and to maintain them in such a degree of comfort and dignity as will shield them from temptation and keep them efficient for the term of their service." The inclusive scale suggested (further particulars of which are given in the attached statement) is briefly as follows :—

	Rs.
Time Scale	500 to 2,300
Selection Grade	2,500
Deputy Inspectors-General	2,570
Inspector General	3,000 to 3,500.

This scale, it will be observed, is less generous than that at present in force in the Indian Civil Service, with which the Indian Police Service is repeatedly classed as an essential security service, and, if the value of other benefits recommended by the Commission be deducted, the resulting scale becomes still more modest. The attached statement shows that the scale claimed has been granted in full in the first four years and in the eighth year of service, and in the fifth, sixth, seventh, ninth and tenth year even more has been granted; while from the eleventh year onwards the scale falls short of that claimed at a steadily increasing rate until it actually reaches Rs. 600 in the 21st year. This means that the Police are, from their eleventh year of service, to be, as heretofore, hopelessly underpaid, and that they will continue to suffer from that financial stress which is the basis of the present discontent which the Commission was appointed to remove. It can only be assumed that the well-tried principle has been followed of making conditions sufficiently attractive to lure recruits into service and to keep them content until such time as they may reach an age at which it is impossible for them to withdraw, when they can safely be left to bewail the hopelessness of their position. The report of the Commission is admittedly a compromise; but it is not to be expected that members of the service will appreciate the argument that, owing to political and financial considerations over which they have no control, they should be content with less than a living wage.

From the point of view of Government, I would emphasise the need of making the conditions of service in the Police attractive. The large number of trained and experienced Police Officers who have already left the service on proportionate pension in disgust would have been sufficient to man more than half of the districts in the Punjab. But at the present time it has become impossible to find suitable officers for the more important districts; and two-thirds of the superior appointments, which, until recently were held by European Superintendents of Police, are now filled by Indians, Deputy Superintendents, or junior and inexperienced Assistants. The Commission demonstrate the necessity of preserving the efficiency of the Indian Police but there is ample evidence available

to show a very serious and rapid decline in the numbers and efficiency of the superior European staff and in the outturn of work by the Department generally. The plain fact of the matter is that the Police Department at the present time is, for want of a sufficiency of good officers approaching a stage where very little more is required to produce a break-down. This fact does not appear to be recognised by Government.

The report does not claim to be exhaustive and the question of increasing the number of posts above the time-scale in the Indian Police Service, which was represented by most of the Police witnesses, has not been taken up. It is urged that the percentage of such posts should be increased from 10 to 15. This is the percentage in most of the corresponding All-India Services and there can be no logical reason for leaving the Police in a position of inferiority. The result of such an arrangement would be to raise the number of Selection Grade Posts in the Punjab from 5 to 11, which would remove the present grievance of the slowness of promotion in the Service.

If granted in full the relief recommended by the Commission will be very welcome to Police Officers, most of whom are struggling under a load of debt; but the improvements proposed are not likely to have any effect on the problem of recruitment, nor are they sufficient to induce officers contemplating retirement on proportionate pension to change their minds. The improvements are not sufficiently generous to meet the needs of present day realities nor to ensure contentment in the Service. The total cost of the increased pay and the remittance concession recommended in so far as Police officers in the Punjab are affected, is estimated during the current financial year at less than one lakh of rupees, and it is claimed that, if the value of the recommendations had been doubled, no financial embarrassment would have been caused to Government. Enough has already been said to show that, while the proposal to improve the time-scale in the case of the Indian Police Service is very acceptable, this proposal does not go far enough.

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Years of Service.	Scale asked for.		Proposed pay.		Additional benefits.	Total of 3-4.		Differences between 2 and 5.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
1 ..	500		450		50	500		0
2 ..	525		475		50	525		0
3 ..	550		500		50	550		0
4 ..	600		550		50	600		0
5 ..	650		600		125	725		75
6 ..	700	850	625	800	125	750	925	50
7 ..	750	900	650	825	125	775	950	25
8 ..	800	950	675	850	125	800	975	0
9 ..	850	1,000	800	975	175	975	1,150	150
10 ..	900	1,100	825	1,000	175	1,000	1,175	75
11 ..	1,100	1,300	850	1,050	175	1,025	1,225	—75
12 ..	1,300	1,500	875	1,075	175	1,050	1,250	—250
13 ..	..	1,600	900	1,100	175	1,075	1,275	—325
14 ..	..	1,700	925	1,150	175	1,100	1,325	—375
15 ..	..	1,800	1,000	1,225	200	1,200	1,425	—375
16 ..	..	1,900	..	1,250	200	..	1,450	—450
17 ..	..	2,000	..	1,300	200	..	1,500	—500
18 ..	..	2,050	..	1,325	200	..	1,525	—525
19 ..	..	2,100	..	1,350	200	..	1,550	—550
20 ..	..	2,150	..	1,375	200	..	1,575	—575
21 ..	..	2,200	..	1,400	200	..	1,650	—600
22 ..	..	2,250	..	1,450	200	..	1,650	—600
23 ..	..	2,300	..	1,500	200	..	1,790	—600
24 ..	..	2,300	..	1,550	200	..	1,750	—550
25 ..	..	2,300	..	1,600	200	..	1,800	—500
26 ..	..	2,300	..	1,650	200	..	1,850	—450
Selection grade. ..		2,500	..	1,750	200	..	1,950	—550

COPY OF A LETTER No. 36401-G., DATED THE 10TH JUNE 1924, FROM THE REGISTRAR, HIGH COURT OF JUDICATURE AT LAHORE, TO THE CHIEF SECRETARY TO THE GOVERNMENT OF THE PUNJAB.

I am directed to say that the Judges observe that the Report of the Royal Commission on the Superior Public Services in India contains a recommendation that Judicial Pay should not be drawn by future entrants into the Judicial Branch of the Indian Civil Service.

2. I am to say that, as no indication of any such recommendation was, as far as they can see, foreshadowed in the Questionnaire issued by the Commission, it has taken the Hon'ble Judges entirely by surprise, and they trust that as they had no opportunity of expressing their opinion before the Report their views will be considered by the Government of India and the Secretary of State even now.

3. In the first place the Judges wish to assert their firm conviction that at any rate for some time to come it is essential to the efficiency of the Judicial Service of this Province that a substantial proportion of the appointments should be filled by members of the Indian Civil Service.

4. The Judges find themselves unable to agree with the view that the Judicial Service is as attractive as the Executive Service and they very much fear that the proposed step, if carried into effect, will result in their getting in future still fewer recruits of the stamp required than are at present made available by the local Government. Except for those who have a natural bent for Judicial work,—who are few—recruits to the judicial branch can be appropriately described as those who are attracted either by the higher pay, or by the fact that a District and Sessions Judge can sit quietly at his headquarters and does not have to undertake the exertion of touring about a district. The Judges think that if the attraction of extra pay is withdrawn, great majority of applicants for employment on the judicial side will be those, who—to put it frankly—shirk the more active part of a District Officer's work, and are found unfit for the Executive. Such officers are not likely to be any more fit for the Judicial Service.

5. It is possible that the chance of being promoted to the High Court has been regarded as an incentive to a member of the Indian Civil Service to join the Judicial Service but if this is so the Judges think that the idea is a fallacy. In the Punjab the maximum number of permanent High Court Judgeships open to the I. C. S. is four. If the present Temporary Additional posts are taken into account the number becomes six, but this is a maximum, and except for short officiating appointments it is never likely to be more than five. Against this an Executive Officer has open to him a much larger number of posts both within the Province and outside in the Government of India and in Indian States which are not only well paid but also have the additional attraction of residence in the hills during the hot weather. It is unnecessary to specify the number of such posts which are at present held by members of the Punjab Commission for the facts are already well-known to Government.

6. If a demonstration be needed that the Judicial Branch is not particularly attractive in spite of the present judicial pay, it is only necessary to point out that while the normal strength is 16 officers, there are at the moment only six members of the Punjab Commission working as District and Sessions Judges in the Punjab, while of those on leave or officiating in the High Court only five are likely to return and the Judges anticipate that it will be extremely difficult, if not impossible, to fill all the vacancies. Of those officers who are willing to transfer to the Judicial side the Local Government will only spare the services of a very small proportion and the Judges are doubtful whether even these would have elected to come over but for the attraction of the judicial pay.

7. The Judges trust that these remarks will suffice to show that the contemplated step will not be in the best interests of the Judicial Administration, but I am to say that if it is decided nevertheless that judicial pay should be withdrawn the Judges still consider that the proposal that an officer shall have not only elected for the Judicial Branch but must also have been appointed to it before the date of the Commission's Report, i.e., 27th March 1924, is one that will operate very harshly in a number of instances. There are several cases of officers in the Punjab who have long since elected to join the Judicial Branch, but who owing to no fault of their own have not yet been appointed to it. The Judges feel that the inclusion among those who will be entitled to draw judicial pay on appointment as District and Sessions Judges of such officers as shall have made a *bonâ fide*

election for the Judicial Branch before the date of the Report will not add a very great burden to the finances of the country and will prevent a certain number of instances of real hardship. If it is desired to add a safeguard, a proviso might be made that such election shall have been directly or impliedly approved by the Judges of the High Court before a certain date to be fixed subsequently.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF THE PUNJAB, No. 18988-HOME-GAZETTE, DATED THE 6TH AUGUST 1924.

With reference to paragraph 4 of my letter No. 18987, dated the 6th August, 1924, I am directed to enclose for the information of the Government of India a copy of a note by Mr. A. Latifi, O.B.E., I.C.S., on the proposals of the Royal Commission on the Superior Civil Services in India which affect Indian Officers of the Indian Civil Service. The Governor in Council, while not endorsing all the arguments used by Mr. Latifi, considers that his note may be of interest to the Government of India as illustrating the feeling of Indian Officers in regard to those proposals which discriminate between them and their European colleagues.

The Lee Commission Report as it affects the Indian officers of the I.C.S. recruited before 1915.

(A. LATIFI, I.C.S.)

This note deals only with my own case as affected by the Lee Commission Report. I am an Indian Officer of the Indian Civil Service of over 21 years' standing, and I belong to the class recruited in London before 1915, that is to say, before the purchasing value of the rupee fell heavily below its pre-War level, and before competition for admission to this Service came virtually to an end.

2. In this note I only touch the Report at the points where it suggests discrimination between the class I represent and my British and Colonial colleagues, that is to say, in regard to—

(*a*) passage concessions (para. 63),

(*b*) remittance privileges (para. 54),

(*c*) facilities for medical attendance (para. 93).

3. My case is that I joined the Service on the clear understanding that it has no compartments, and that I should get the same emoluments and amenities as would be sufficient to attract to it the best Englishmen of the older English Universities. I had a versatile and what was considered, a brilliant career behind me when I entered the Service. I was also considered a good speaker, and a good manager of men, and in the opinion of my friends I had other equally good professions open to me besides the I. C. S. It was after hesitation that in the end I chose the Service. Had I known at the time that at some subsequent stage the Secretary of State would decide to pay me not in the way originally understood, but in accordance with what he thought were or should be the habits of myself, my wife, my sons and my daughters, I would not have chosen the Service. I submit that any differentiation now from my British colleagues on the lines proposed by the Commission would break the spirit as well as the letter of the Proviso to the second sub-clause of section 96-B of the Government of India Act.*

4. In the annexure† to this note I give a summary of my academical career. The work I did for Cambridge during the three years (1899-1901) preceding the I. C. S. Open Competition was about equal to twice what one did for an average first class Honours Degree. This work helped me only for one-fourth of the subjects I offered in the I. C. S.

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*"Provided that every person appointed before the commencement of the Government of India Act, 1919, by the Secretary of State in Council to the civil service of the Crown in India shall retain all his existing or accruing rights or shall receive such compensation for the loss of any of them as the Secretary of State in Council may consider just and equitable". Section 96-B (2), Government of India Act.

"The Committee think that every precaution should be taken to secure to public servants the career in life to which they looked forward when they were recruited, and they have introduced fresh provisions into this clause to that end." Joint Select Committee's Report on the Government of India Bill, 1919.

† Not Printed

Open Competition; that is to say, three-quarters of the work I did for the I.C.S. was over and above that which I put in for the University. What I did before and after I joined the I.C.S. (see annexures* I—III) fully justifies the view of my friends that the I.C.S. was not the only opening for me in 1901, and that my qualifications helped by my family connections would have led me to a distinguished professional career in Bombay, my native place.

5. I may here record a somewhat obvious fact that people often lose sight of. This I.C.S examination for which I sat was held in London, and not in any place settled in deference to *my* domicile. But no one paid my expenses for the journey to London. The examination dovetailed into the curricula of the English Public Schools and Universities, especially with their classical, mathematical and science sides. It was by no means adapted to the needs of Indian students or to the curricula of the Indian Universities. And yet I was given no concession in this examination in consideration of my Indian domicile. No grace marks were, for example, awarded to me even in such a subject as the essay in English—to me a foreign idiom. I ran with a heavy handicap.

With all this in the background, to jettison me now because of my Indian domicile does not strike me as being altogether "cricket."

6. But it may be urged—though perhaps not seriously by the trained administrators, who will decide this question—that there is really no proposal for a differentiation in *emoluments*. "You will get the same pay and overseas allowance as your British and Colonial colleagues. Whatever increase they get in these, will be for you also. You never had free passages for your family before. This is a new concession we are giving to Englishmen because of their pressing need. So you have no grievance."

I will meet this argument as far as possible in the words of the Report itself:—The Commissioners say that "the principle (hitherto) adopted has been that emoluments should be fixed on a scale sufficient to cover the cost of passages and that the officer should be left to make his own arrangements" (para. 62). The purchasing value of the rupee having now fallen it is becoming "increasingly difficult for officers to meet passage charges." To meet this difficulty the Commission recommend the passage concession (para. 63). The Commissioners go on to explain that the proposal in effect means an addition of Rs. 50 p.m. to the British officer's salary and of Rs. 25 for his Indian colleague (para. 65). The reason why the concession is not given "in the form of an unconditional increase of ordinary pay" is that there would in that case be the risk of its being imprudently diverted to other purposes (para. 64).

Who can say in the teeth of all this that the passage concession will not be in effect part of the emoluments of officers? The Commissioners are good enough to recommend that this concession should be extended to Indian officers of the Indian Civil Service, who receive overseas pay. They give, however, no reason for their further recommendation that "it should not extend to their families." Did the Commissioners, I wonder, picture to themselves the Indian I. C. S. Officer—his wife safe in the zenana in the charge of his grandmother—disporting himself in the Casino at Monte Carlo or better still on the Boulevards of Paris, during long leave on half average salary?

7. Similar arguments, *mutatis mutandis*, apply to remittance privileges. The Commission would allow the unmarried British Officer, for whom according to Sir Reginald Craddock even the present rates of pay are "fairly adequate", "to speculate in Exchange at the cost of the State" (p. 149 passim), but they would not allow the full privilege to the Indian with a family.

The Report recognizes that Indian officers drawing overseas pay may legitimately expect to educate their children in Europe (para. 54), and it needs little argument to show that neither the remittance privilege nor the sum that can actually be remitted bears any relation to the actual cost of educating children in Europe. The privilege can at best be regarded only as a means for creating a fund, by way of children's education policies or otherwise, that, spread over the whole of his service, goes some way to compensate an officer for loss consequent on the fall in the purchasing value of the rupee.

And again, is there any reason why the Indian Officer should not also get the privilege for purposes other than the forming of an education fund? Why should he not have it, for example to pay for books, instruments, club subscriptions and other similar items?

*Not printed.

8. In the matter of medical attendance I ask that the recommendations in para. 93 of the Report should be so applied that officers of my class should not in at any time get less qualified medical attendance than what a British Officer of the same class in the same station would be entitled to. An illustration will perhaps make this clearer. A is an Indian Officer and B a British Officer, both stationed at Hissar. The medical officer at Hissar is an Indian, L.M.S. (Lahore). If the only privilege B gets is that of being attended to say by a Military Assistant Surgeon of his own race stationed at Gurgaon. A will have no grievance. A will be satisfied with the L. M. S. (Lahore). But take another case. A and B are still at Hissar with old L. M. S. (Lahore). B is now allowed to call in X (M. D., London) from Ferozepore. There are two doctors at Ferozepore X English and Y (also M. D., London) an Indian. A will now legitimately expect to have the services either of X or of Y, as may be convenient to Government. In such matters the Indian officers of the Indian Civil Service look only to qualifications, and not to race or nationality: for as a class they are singularly free from race or communal bias.

9. The Indian Commissioners, if not all the Commissioners, seem to have approached the question of emoluments and amenities in the I.C.S. with the primary object of "meeting the pressing needs of the European members" or rather the *married* European members thereof (p. 110). They were right of course to do this. The Europeans constitute the bulk of what in the past was emphatically known as a "European Service" and the emoluments of a service can only be adjusted by a reference to the needs, pressing or otherwise, of the great majority of its members. But all this cannot affect the statutory right of any given individual or group in the Service to absolute equality of treatment with the rest, regardless of the question of needs. My claim, as urged in the foregoing paragraphs, in substance amounts to this: that by providing me and my family with the same facilities for travelling, education and self-improvement as are open to my British colleagues, the Secretary of State should secure to me the career in life to which I looked forward when I was recruited, or to put it in another way, that I should retain unimpaired my existing and accruing rights in regard to emoluments, amenities and otherwise in perfect equality with my British colleagues (*cf.* note to p. 2).

10. The question of individual necessity is not, therefore, really relevant to this discussion. I should have preferred to keep clear of it. But it seems to have influenced some, at least of the recommendations about Indian officers, and I have got perforce to say something about my own needs.

11. I come of a very distinguished family from Western India, and my people have, for many generations followed the injunction of the Prophet of Islam "to seek knowledge even though it be in China". They travelled far and wide in search for learning or for a career. They discovered Europe some three generations back, and they saw that it was good: and my children will now be going there in the fourth generation. My father and mother expatriated themselves for many years with the sole object of supervising the education of their children in Europe. My wife as well as myself have been educated in Europe. As we now stand, therefore, an education in Europe is quite as much a necessity for my children as the Grand Tour was a necessity for the upper class of Englishmen in the 18th century, or as a Public School education (against one in a Board School) is a necessity for the children of my British colleagues. An European education for my children is not a luxury—it is "a pressing need."

12. In some ways, indeed, I have greater difficulties to face for the education of my children than many of my British colleagues have to. It is open to the latter to send their children to their own country in the entire charge of relations or even of school authorities. In any case they have no fear that their children will grow up alien to their religion or to the traditions of their family and of their country. Things are not so easy for me. It is not open to me to leave my children for years together in England in the hands of strangers. I would be sending them there with the sole object of making them better Indians and more efficient citizens of their own country: and to keep them from the peril of denationalisation my wife or myself will have to live near them for long periods in the years that are coming.

13. But it is not merely to look after their children that Indian officers and their wives want to travel to Europe. They have to go there for self-improvement. One of

my journeys was, for example, made entirely for the purpose of writing "The Effects of War on Property" (Annexure* III). I could not possibly have written the book in India, for there are no facilities here yet for such work. But apart from special work there is such a thing as general self-improvement. London after all is not merely the political capital of India—capital in a more intimate sense than of the rest of the Empire: it is India's intellectual metropolis. From there our cultural life draws its inspiration. Our administrative methods as well as our political ideals come from England. What England thinks to-day we have to follow perforce at least the day after to-morrow. An officer of the Imperial Services degenerates if he does not, from time to time, refresh his spirit and his intellect in its crisp oxygenated air. Unless he spends, like the go-ahead American, at least the "sabbatical year" in Europe, he becomes a "back-number", and carries a handicap in his career as compared with his fellows. And it is the same for his wife. Both the Indian and the European members of the Lee Commission appear to have been ignorant of the social habits of the bulk of the Indian officers of the Indian Civil Service; else they would not have made their incredible recommendation about the passages. The wives of most of us are *not* in Purdah. They have an equal place with us in the sun.

14. For British officers of the All-India Services this aspect of a journey to England is as important as for the Indians. People often forget this. They talk as if the British Officer only needed to go home for his health or for his private affairs. But it wants little thought to show that this is not all. What is the chief asset of the British Officer of the administrative services? Is it not that which is compendiously termed the "British spirit"? Now, except in a select few this spirit is apt to become jaded if not renovated by periodical visits to England. Even if the British Officer did not himself want to go, it would be in India's interest to compel him to go home for at least the "sabbatical year". Here again the Indian is, if anything, at a disadvantage. He goes to one place to see to his private affairs, and to another—England—in order to bring himself up-to-date. His British colleague kills two birds with one stone.

15. Before I close, I should perhaps say that in restricting this note to Indian officers of the I.C.S. appointed before 1915 I do not mean to imply that Indian officers outside my class are not entitled to similar privileges. I have dealt with the claim of a small group with the object of simplifying the issues and thus clarifying the discussion. Further, I have made the argument designedly personal in the belief that nothing helps so well towards the understanding of a general principle as a clear concrete illustration. I have no doubt that some of my Indian colleagues will be in a position to present even a stronger case than mine for the consideration of Government.

16. I cannot conclude without expressing disappointment that in this Commission of nine members not one seat could be found for a representative of the University of Cambridge. Cambridge has of all English institutions done the most to train Indian administrators for the top-most ranks of the public services of this country, and to inspire them with the highest traditions of English public life. It is still more disappointing that the Commission did not include a single representative of the Indian officers of the All-India Services, with whose present as well as future it was so largely concerned—or for that matter include a single Indian who had received education in Europe. The witnesses were not cross-examined from the special point of view of this type of officer and their evidence has consequently lost much of the value it might otherwise have possessed. A representative of this class would have brought to the Commission a wider sympathy, a farther outlook and a clearer vision of the new India that is taking shape in the furnace of these days: and would have thus helped to save the Report from much of the criticism to which it is now justly exposed. As it is, the Commission's recommendations, in so far as they adversely affect the rights of the Indian officers of the All-India Services, should be altogether discounted.

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*Not printed.

GOVERNMENT OF BURMA

APPOINTMENT DEPARTMENT.

LETTER FROM F. LEWISOHN, ESQ., C.B.E., CHIEF SECRETARY TO THE GOVERNMENT OF BURMA, HOME AND POLITICAL DEPARTMENT, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, No. 404-A.-24, DATED RANGOON, THE 28TH JULY 1924.

SUBJECT.—*Recommendation of the Royal Commission on the Superior Civil Services in India regarding the Pay of the All-India Services.*

I am directed to convey the views of this Government on the ten points enumerated in paragraph 30 of your letter No. 178—11-24-Ests., dated the 21st June 1924.

(1) The general scale of increase proposed for the Services is accepted.

(2) This Government considers that relief should be given to officers above the time-scales to the extent advocated by the English Members of the Commission. his concession should be admissible to Judges of the High Court as well as other officers since the remuneration of High Court Judges is not specifically laid down in the Government of India Act. It should include Deputy Inspectors-General of Police, Superintending Engineers and Conservators of Forests. I am to point out that, unless this measure is adopted a senior Collector holding an appointment like that of Excise Commissioner carrying with it a Duty Pay of Rs. 250 a month might receive emoluments only Rs. 50 *per mensem* less than those of a Commissioner of a Division.

(3) In the case of a Indian Officer already in the Services this Government strongly advises that the considered recommendations of the Commission contained in paragraphs 54 and 63 of the Report should be accepted. The Local Government is also strongly in favour of allowing Indian Officers who receive Overseas Pay at present under existing orders to enjoy the concessions recommended in paragraph 53. With regard to Overseas Pay, the position is that Officers recruited after 1925 will not be eligible for this particular concession. Those, however, who have been allowed the concession should be allowed the concession to the same extent as their European *confréres*.

The Hon'ble the Finance Member dissents from all the recommendations under this head and considers that although the exclusion of non-European officers already in the Services from the concessions allowed to their European colleagues will be resented by these officers, there will be still greater resentment on the part of new non-European recruits to the Services if they find that they are refused concessions which are enjoyed by their countrymen merely by reason of the fact that they joined the Services before a particular date. The reason for proposing any concession is the difficulty of recruiting Europeans, and the marked tendency on the part of Europeans already in the Services to take advantage of the provision for retirement on proportionate pension.

(4) This Government is opposed to the proposal to reduce the basic pay of future Indian recruits in the All-India Services. The proposal forms no part of the Commission's recommendations, and this Government can see no advantage and very many disadvantages in endeavouring to tack a radical and unpopular change of this nature on to the Commission's recommendations.

The Hon'ble the Finance Member, however, is in favour of the proposal and considers that the basic pay of future Indian recruits to the Indian Civil Service should be reduced to two-thirds of the present rate of pay.

(5) This Government is strongly in favour of giving relief in the precise form recommended by the Commission, *i.e.*, a small addition to Overseas Pay combined with the privilege of remitting the whole Overseas Pay at two shillings to the rupee. The alternative schemes proposed by the Government of India possess certain undeniable advantages but they suffer from the objection that they are not the schemes put forward in the Lee Commission's unanimous Report.

(6) In view of the answer to No. (5) above, this Government does not consider it necessary to make any remarks on the scale suggested in paragraphs 24 and 26 of your letter.

(7) The Local Government strongly supports the proposal to raise the basic pay of the Police as proposed by the Commission. It is universally admitted that the Indian (Imperial)

Police is poorly paid in consideration of its heavy responsibilities and by comparison with other All-India Services.

(8) This Government accepts the proposal to absorb the present technical pay of Rs. 75 in the basic pay of the Indian Service of Engineers.

(9) This Government is opposed to the proposal to abolish Judicial Pay. I am to enclose a copy of letter No. 911—16-156, dated the 27th June 1924, from the Registrar, High Court of Judicature at Rangoon, from which it will be seen that the Hon'ble Judge view the suggestion with dismay. They point out that the Judicial Services are frankly unpopular with the Provincial as well as with the Indian Civil Service and that it is only the prospect of extra remuneration that attracts sufficient candidates. The Local Government believes that this statement of the case is not in the least exaggerated. If Judicial Pay is abolished, there is always the danger that the Judicial Branch may attract to itself officers, who seek to find in Judicial work a refuge from the more strenuous existence of the Executive Officer. The Local Government regards it as of the highest importance to attract to the Judicial Branch the very best men in the Services. A weak judiciary may do incalculable harm both in India and in Burma.

(10) This Government accepts the proposal made in paragraph 29 of your letter for raising the Overseas Pay of the Women's Branch of the Indian Educational Service.

The Hon'ble the Education Minister's concurrence in the above recommendations is subject to the qualifications set out in my telegram No. 790, dated the 21st July.

2. Finally, with reference to paragraph 5 of your letter No. F.-178—19-24-Ests., dated the 28th June 1924, I am to say that this Government entirely concurs with the view expressed by the Commission in paragraph 97 of their Report that it is unnecessary to interfere with the existing Burma Allowance. After nearly four years' experience of Burma His Excellency the Governor can personally testify that the cost of living in Burma is far higher than the cost of living in those parts of India with which he is acquainted, and that Burma Allowance makes up none too adequately for the difference.

FROM R. M. MACDOUGALL, ESQ., I.C.S., REGISTRAR, HIGH COURT OF JUDICATURE AT RANGOON, TO THE CHIEF SECRETARY TO THE GOVERNMENT OF BURMA, HOME AND POLITICAL DEPARTMENT, No. 911—16-156, DATED THE 27TH JUNE 1924.

SUBJECT.—*Lee Commission's Report.*

In reply to your Appointment Department letter No. A-24, dated 20th June 1924, I am directed to say that the Hon'ble Judges view with dismay the suggestion that the judicial pay be abolished in accordance with the recommendations of the Lee Commission.

His Excellency the Governor in Council is well aware of the difficulty experienced in securing suitable recruits for the Judicial Services from any source whatsoever. The Judicial pay is granted not only to members of the Indian Civil Service, but to officers holding listed posts and to Barristers appointed direct to the Judicial Service. The Judicial Services are frankly unpopular with the Provincial as well as the Indian Civil Service and it is only the prospect of extra remuneration that attracts sufficient candidates. Moreover as this has been a part of the emoluments of the post of District and Sessions Judges for nearly five years there would be dissatisfaction amongst members of the Bar appointed in future to such posts were the remuneration to be arbitrarily reduced by Rs. 150 per mensem.

In the Burma Judicial Service also there are four Special Pays of Rs. 150 per mensem granted to Additional Judges of Sessions Courts. These are given on the analogy of the judicial pay granted to District and Sessions Judges and were the latter to be abolished it would be necessary also to retrench this special pay as well. This would undoubtedly create a feeling of hardship amongst the senior members of the Burma Judicial Service and react unfavourably both on efficiency and recruiting.

In the circumstances the Hon'ble Judges trust that His Excellency the Governor in Council will not support the recommendation of the Royal Commission to abolish judicial pay.

GOVERNMENT OF BURMA.

APPOINTMENT DEPARTMENT.

LETTER FROM F. LEWISOHN, ESQ. C.B.E., CHIEF SECRETARY TO THE GOVERNMENT OF BURMA, HOME AND POLITICAL DEPARTMENT, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, No. 404-A.—24, DATED RANGOON, THE 28TH JULY 1924.

SUBJECT.—*Basic pay of future Indian Recruits to the All-India Services.*

In reply to your letter No. F.-178-11-24-Ests., dated the 4th July 1924, I am directed to say that the local Government is opposed to the suggestion that the basic pay of future Indian recruits to the All-India Services should be two-thirds of the pay which may be sanctioned for European officers. In the first place any proposal of this sort would lead to the pay of Indian members of the All-India Service being reduced to approximately the same level as the pay of the existing Provincial Service working in the same field. The gradual extinction of the All-India Services and their replacement by the existing Provincial Services expanded for the purpose is a natural process which is in fact favoured by the Hon'ble the Finance Member and the two Ministers, but that is a very different thing from having in addition to the Provincial Service a bisected All-India Service, the Indian Branch of which would be drawing much the same pay as the existing Provincial Service.

2. But the main objection to the proposal in the opinion of this Government is that it is not contained in the recommendations of the Royal Commission and is not a corollary necessarily arising out of those recommendations. The proposal could not be super-imposed on the Commission's recommendations without affecting the general complexion of the whole report and affecting it in a sense which should be regarded as prejudicial to the interests of Indian aspirants to those Services. It is hardly necessary to emphasise the political inexpediency of such a course.

3. The Local Government considers that a scale of two-thirds would clash inconveniently with the level of pay in the existing Provincial Services. The pay of these Services has only recently been revised, and there has been no drop, since the revision, in the cost of living, which would justify any reduction at the present time.

4. The Hon'ble the Finance Member dissents from the foregoing conclusions in respect of the basic pay of future Indian recruits to the Indian Civil Service which he considers could be reduced to two-thirds of the present scale.

GOVERNMENT OF BIHAR AND ORISSA.

APPOINTMENT DEPARTMENT.

LETTER FROM E. L. L. HAMMOND, ESQ., C.B.E., I.C.S., CHIEF SECRETARY TO THE GOVERNMENT OF BIHAR AND ORISSA, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, No. 1966-A.R., DATED RANCHI, THE 2ND AUGUST 1924.

SUBJECT :—*Proposals of the Royal Commission on the superior Civil Services in India regarding the pay of the All-India Services.*

I am directed to reply to your letter No. 178—11-24-Ests., dated the 21st June 1924, regarding the proposals of the Royal Commission on the superior Civil Services in India relating to the pay of the All-India Services. In the limited time available for an examination of these proposals, it has not been possible to obtain many opinions, either from officers concerned or from others, but the replies received generally take the view that the proposals of the Royal Commission should be accepted together as a reasonable compromise, and should not be regarded as open to separate discussion in detail. Dissentient opinions on the one hand are that the proposed increase will impose a financial burden which provincial and Imperial revenues cannot carry ; on the other, that the Commission's proposals fail to restore the Indian Services to their former position. His Excellency in Council

adheres to the opinion given in paragraph 2 (*e*) of my letter No. 1689-A.R., dated the 22nd July 1924.

2. The views of the local Government on the various points raised in paragraph 30 of your letter under reply are as follows :—

(1) The general scale of increase proposed is accepted.

(2) The views of the local Government (including the dissentient opinions of the Hon'ble Indian Member of the Executive Council and the Hon'ble Ministers) regarding the extension of the remittance benefit to all administrative grades, excluding those which carry, or may under the proposals of the Royal Commission, carry an extra pension, have already been reported to the Government of India in the letter mentioned above. His Excellency in Council does not consider that the principle of equal remuneration in the administrative posts should be carried so far as to exclude from suitable relief the European incumbents of these posts, whose circumstances call for assistance. The true criterion is whether the relief proposed is necessary and on this point His Excellency in Council entertains no doubt whatever. It is common knowledge that many officers holding the rank of Commissioner, Superintending Engineer and the like, have to make heavy home remittances. He is, therefore, of opinion that the remittance benefit proposed by the Royal Commission should be extended to all administrative posts which do not carry an increased pension. The question to what extent, if any, this concession should be extended to Indian incumbents of these posts is discussed in the next sub-paragraph.

In the case of the lower administrative grades, the local Government would remove the anomaly of the Commission's proposals by fixing the incremental pay at Rs. 1,950—50—2,150 and allowing in addition the remittance benefit as now advocated for all administrative grades.

The local Government are of opinion that exchange compensation allowance should be abolished if any officer now drawing it becomes entitled to the remittance benefit.

(3) The question whether relief should be extended to Indian officers arises only in the case of those who are already in the service and while on the time-scale have drawn overseas pay. It does not apply to future Indian entrants nor to existing members on the time-scale, who are not receiving overseas pay. On this point various opinions have been received, but His Excellency in Council, taking the view that it is desirable to adhere as closely as possible to the recommendations of the Commission (which formed a delicately poised compromise), is prepared to accept the Commission's liberal proposals that the Indian officers who are now in receipt of overseas pay should get the same increase of overseas pay as has been proposed for their European colleagues, but that they should not get the remittance benefit unless they satisfy the High Commissioner that they have wives and children in Europe. The remittance benefit subject to the same condition, should be granted to Indian incumbents of administrative posts, which do not carry overseas pay.

The Hon'ble Minister in the Department of Education considers that the overseas pay of Indians should not be increased.

(4) As stated in my previous letter the local Government accept the proposal of the Commission that, except in the Police Service, there should be no alteration in the rate of basic pay, so far as existing members of the services are concerned. As regards future recruitment, they only accept it, if this is to be regarded as an essential portion of the compromise ; if the question may be held to be still open, they are strongly in favour of a reduction for the reasons already explained.

The question of new basic scales has been raised in your supplementary letter No. F.-178-11—24-Ests., dated the 4th July 1924. It is, perhaps, premature to discuss this before the principle of reduction has been accepted but to the local Government it seems that a basic Indian scale of about two-thirds of the total European emoluments (including the proposed increase in overseas pay and the value of the remittance benefit and passage allowance) would ordinarily be sufficient to attract suitable Indian recruits. Such remuneration will still remain sufficiently above the time-scale salary of the Provincial Service to avoid any complication on that account.

(5) The local Government prefer the form of relief recommended by the Commission, *i.e.*, in the case of officers on the time-scale, a small addition to overseas pay combined with the privilege of remitting the whole of the overseas pay at two shillings to the rupee, and in the case of administrative posts the remittance of Rs. 400 per mensem at this privileged rate.

It may here be noted, though the question has not been specifically raised, that, in the opinion of the local Government the remittance benefit should continue when an officer is on leave. It appears equitable to grant the full concession to an officer on leave on average pay, and one-half of the maximum when the officer draws half average pay, on furlough. The need for the remittance benefit is equally insistent while an officer is on leave.

(6) If either of the alternative forms of relief suggested by the Government of India are adopted in preference to the Commission's recommendations, the scales proposed in paragraphs 24 and 26 of your letter under reply are accepted by the local Government.

(7) Subject to the general opinion expressed above as regards future entrants, His Excellency in Council agrees that the basic pay of the Indian Police should be raised as proposed by the Commission.

(8) Similarly, and subject to the same condition, His Excellency in Council agrees that the basic pay of the Indian Service of Engineers should be raised by Rs. 75 a month so as to absorb the present technical pay.

(9) The local Government accept the Commission's recommendation that judicial pay should be abolished for future entrants. As regards officers now in the service, the Commission would continue the allowance to an officer who elected for the judicial branch and was appointed to it. I am to suggest that the word "allotted" should be substituted for "appointed." As an example, I am to mention the case of an officer of the Bihar and Orissa cadre who elected for the judicial branch and whose services the High Court were anxious to secure, but who was detained on the executive side, for administrative convenience, to complete a land settlement. In default of this substitution, any officer who has been allotted, but not yet appointed, should be given a chance of reconsidering his election.

(10) The local Government accept the scale of relief suggested by the Government of India for the Women's Branch of the Indian Educational Service in paragraph 29 of their letter.

3. In conclusion, I am to add that, in respect of the pay of the services, the Hon'ble Mr. Sachchidananda Sinha, would follow the general principle of accepting the proposals of the Commission as they stand, as being part of the compromise, but would in no case go beyond them. As regards the emoluments of officers holding the higher administrative posts, his agreement with the Indian Commissioners has already been reported in paragraph 2 (*e*) of my letter No. 1689-A.R., dated the 22nd July 1924, and is repeated in paragraph 2 (2) above.

GOVERNMENT OF BIHAR AND ORISSA.

APPOINTMENT DEPARTMENT.

LETTER FROM E. L. L. HAMMOND, ESQ., C.B.E., I.C.S., CHIEF SECRETARY TO GOVERNMENT, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, No. 3313-A.R., DATED RANCHI, THE 16TH AUGUST 1924.

SUBJECT.—*Proposals of the Royal Commission on the Superior Civil Services in India regarding the pay of the All-India Services.*

In continuation of my letter No. 1966-A.R., dated the 2nd August 1924, I am directed to forward a copy of a letter from the Registrar of the High Court of Judicature at Patna, No. 5041, dated the 1st August 1924, with enclosures, forwarding the views of the Hon'ble Judges on the above subject, I am to point out that the local Government have already accepted the Commission's recommendation that judicial pay should be abolished for future entrants subject to the reservation that the pay should be continued to an officer who has elected the judicial branch and has been allotted to it. The question of acting promotion in the selection grade of District Judges is being considered separately by the Government of India. It has not been dealt with by the Commission, and was not referred to the local Government by the Government of India.

2. As regards the two points dealt with in the minutes appended to the Court's letter I am to say that the local Government have already recommended in paragraph 2 (*e*) of their letter No. 1689-A.R., dated the 22nd July 1924, that the Judges of the High Court

be excluded from the remittance benefit as they enjoy an extra pension. The District Judges of the selection grade will, however, receive this concession if the view of the English Commissioners, which the local Government have accepted, prevails. The Judges of the High Court will also get passage allowances if the Commission's recommendations are accepted.

LETTER FROM J. F. W. JAMES, ESQ., I.C.S., REGISTRAR OF THE HIGH COURT OF JUDICATURE AT PATNA, TO THE CHIEF SECRETARY TO THE GOVERNMENT OF BIHAR AND ORISSA, No. 5041, DATED PATNA, THE 1ST AUGUST 1924.

In reply to your letter No. 1533, dated July 19th, 1924, asking for the opinion of the High Court on the recommendations of the Royal Commission on the Superior Civil Services in India regarding pay of the All-India Services, I am directed to say that the Acting Chief Justice and Judges consider that any relief which is afforded to officers above the time-scale ought not to be withheld from the Judges of the High Court. It may be observed that the salary of the Judges of the High Court was fixed at the present rate many years ago, and that the cost of living has risen very greatly since that time.

2. With regard to the proposal that judicial pay should not be drawn by future entrants into the Judicial Branch of the Indian Civil Service, I am to say that this proposal has taken the High Court by surprise, since there was nothing in the questionnaire of the Commission which foreshadowed anything of the kind. If competent members of the Indian Civil Service are to be attracted to the Judicial Branch of the Service, the judicial pay should be continued. In any case judicial pay ought to be continued to those officers who have already acted as District Judges, and have drawn it in that capacity, even though they may not yet have been formally allotted to the Judicial Branch.

3. The Acting Chief Justice and Judges are of opinion that the basic pay of Indian recruits to All-India Services should not be altered at present.

4. In this connection, I am directed to draw the attention of the local Government to the question raised in the Court's letter No. 1-T.R., dated the 20th August 1921, in which the Judges recommended that officiating promotion in the first grade of District Judges should not be withdrawn. It is understood that a favourable decision has been given on the same question in the case of the Indian Police, and there is nothing to differentiate the case of District and Sessions Judges from that of the Police. It is to be remembered that for over a year nobody has drawn the pay of a first grade District Judge.

5. I am to forward separately the minutes of the Hon'ble Mr. Justice L. C. Adami, the Hon'ble Mr. Justice T. S. Macpherson and the Hon'ble Mr. Justice Kulwant Sahay.

Minutes of the Hon'ble Mr. Justice L. C. Adami.

1. It will be found that throughout the Report of the Royal Commission the Judges of a High Court are excluded in any proposals for the amelioration of the conditions of pay and service of Government officers. It is plain that, as pointed out by the Government of India, the Committee were under the impression that the salary of a Judge of the High Court is fixed at a certain sum by express provision of an Act of Parliament and therefore no increase of pay could be given. This view is altogether incorrect; the Secretary of State has power to fix the remuneration, and it was fixed by the Secretary of State at Rs. 4,000 a month over fifty years ago when this salary could be considered high but befitting the position a High Court Judge should hold. Since then the amount has remained the same but the cost of living, house rent, etc., have increased enormously and a high rate of income-tax has to be paid. The result is that the pay does not attract the best members of the Bar to become Judges, and the Court must suffer accordingly.

2. Similarly there is an impression that, the salary of a High Court Judge being fixed by the Act, and there being a provision that a Judge shall not be entitled to any emoluments or advantages over and above his salary, an officer of the Indian Civil Service who has been appointed to the High Court is not entitled to receive and enjoy any of the benefits and advantages which may be extended to members of the Indian Civil Service generally. It is forgotten that the Secretary of State can direct that a Judge of the High Court may also enjoy these advantages.

3. The Secretary of State should be asked to consider the question of increasing the salary of the Judges of a High Court to make it meet present conditions, and to rule that a member of the Indian Civil Service who is a Judge of a High Court is entitled to all the advantages which it is proposed to extend to other members of the Civil Service. There is no reason why a Civilian Judge of the High Court should not be allowed to draw overseas pay, or be entitled to at least one return passage for himself and his family. I would press very strongly that the Secretary of State should be moved to declare that a Judge of the High Court, who is a member of the Civil Service, is entitled to each and all of the advantages which it is proposed to give to officers of like standing in the Executive Branch.

4. The proposal to deprive District and Sessions Judges of the extra Rs. 150 a month which they now draw should be resisted. The Judicial Service with its long hours of sedentary work is not an attractive one, and young officers who have to choose between it and the Executive Branch, will always choose the latter with its much freer life and more varied work, offering as it does, too, many more chances of reaching a high and well-paid appointment. If the proposals to separate the Executive and Judicial functions of a District Magistrate are carried into effect, there can be no doubt that the work of the District Magistrate will be far lighter than that of the District Judge. If the object of the proposal to take away the extra Rs. 150 is to dissuade members of the Civil Service from entering the Judicial side and altogether to Indianise the Judiciary, the proposed reduction will be effective, but it has to be remembered that it is through the British administration of Justice that we have perhaps the greatest hold on the hearts and confidence of the Indian people. In any case those young officers who have already chosen the Judicial Service but have not yet been confirmed as District Judges should be allowed to continue to draw the extra Rs. 150.

The 22nd July 1924.

Minutes of the Hon'ble Mr. Justice T. S. Macpherson.

The question raised in the Court's letter No. 1-T.R. of 20th August 1921 should be pressed. The Court strongly recommended that officiating promotion in the first (Selection) grade of District Judges should not be withdrawn, and the local Government supported the recommendation (as was also the case in Bengal). A favourable decision has been given on precisely the same question in the case of the Indian Police. The right to officiating promotion was withdrawn on an audit objection in 1921. Mr. Monahan has suffered a great deal and 4 or 5 other Judges to a considerable extent.

As to the points on which opinion is asked for, I would reply :

(1) The increase proposed is not only ungenerous but altogether inadequate to the needs of the occasion. In my own case pay as District Judge is in figures twelve rupees more than at the outbreak of the War ten years ago and the purchasing power of that pay is certainly not more than 60 per cent. of what it then was. It is idle to suggest that much hardship is not involved and the present proposals do practically nothing to mitigate it. The hardship is most felt by married men, the bulk of whose pay has to be remitted, and the proposed increase of Rs. 50 in overseas pay is simply petty and in no way to be regarded as reasonable.

(2) The relief should certainly be accorded to officers above the time-scale.

The officers in the Judicial Department who are concerned are—

(*a*) the two District Judges of the Selection Grade and Judges who would, if the proposals of the Court recommended by the local Government were accepted would act in that grade :

(*b*) Judges of the High Court. Both classes were detrimentally affected by the withdrawal from future entrants of exchange compensation allowance. The Government of India themselves point out in their letter that pay really consists, in the case of officers above the time-scale, of a sum representing pay and overseas allowance continued. Obviously the practical effect of the present arrangement is merely to grant overseas pay to Indians on attaining administrative rank. The financial necessities of European officers on the time-scale, unless they are bachelors or have no families, call for an extension of the relief afforded by the right to remittance at a special rate. It will not be much relief but it will be something. They do not even get the benefit of the small increase in

overseas allowance, and this measure of assistance will be a mitigation and some measure of compensation for the loss of exchange compensation allowance.

As a matter of fact the selection grade, if this privilege is not granted, will only mean the addition of Rs. 200 to the pay of the "selected" officers.

Similarly the same relief should be accorded to High Court Judges from whom exchange compensation has been withdrawn. The Secretary of State can under section 104 of the Government of India Act allow the increase as he once allowed and then disallowed exchange compensation allowance. It is curious to note that while three European Judges of the Court still draw exchange compensation allowance the other three have drawn it but are not now entitled to do so! Doubtless the exchange compensation allowance would have to be merged in the new allowance which would always be more advantageous.

Minutes of the Hon'ble Mr. Justice Kaluant Sahay.

I agree with Adami J. that there ought to be an increase in the salary, but I think there ought to be no difference in pay or allowances between a Civilian Judge and any other Judge.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF THE CENTRAL PROVINCES, No. 2886—1277-III, DATED THE 29TH JULY 1924.

I am directed to reply to Government of India letter No. F.-178-11-24-Ests., dated the 21st June 1924, in which the opinion of the local Government is asked regarding the proposals of the Royal Commission on the Superior Civil Services in India, relating to the pay of the All-India Services, (Chapter VI of the Report).

2. *Paragraph 30 of Government of India letter Point (1).*—The general scale of increase proposed by the Commission in connection with overseas pay is accepted by the local Government as reasonable.

3. *Point (2).*—The Indian members of the Commission are opposed to introducing any differentiation between the pay of Europeans and Indians in administrative posts above the time-scale. The Indian members base their views on two grounds, firstly, the importance of the principle of equal remuneration in these posts, and secondly, the absence of any real need for relief among the officers concerned. In paragraph 4 of their letter the Government of India have dealt with the first ground, and the local Government agrees that no special importance need be attached to this principle. The grounds for the grant of the remittance benefit are the same as those for the grant of the passage concession, viz., that overseas domicile involves extra expenditure and it is illogical to refuse the one while giving the other. Whether the European holds an administrative post or not, he has to incur considerable extra expenditure owing to his being employed outside his own country. The argument that uniform remuneration should be granted because the posts entail obligations which are independent of domicile is an argument that might be applied to any post. As regards the ground of financial necessity, the fact that an officer holds an administrative post in no way lessens the economic pressure to which he is subject or the need for relief. If relief is granted to a Deputy Commissioner, for instance, it is difficult to see how it can be refused to a Commissioner whose position necessitates greater expenditure than that of a Deputy Commissioner. It must also be emphasized that by the time an officer attains one of the posts in question, his family is normally at its most expensive age. Finally, I am to refer to the administrative inconveniences which would result from the acceptance of the views of the Indian members. Table A attached to this letter shows that the difference in emoluments between the top of the time-scale and the administrative posts in several departments will be insufficient to allow for the additional responsibility and the additional expenses involved, and the local Government may find it difficult to persuade officers to accept some of the higher posts. For these reasons the local Government would prefer to accept the views of the English members of the Commission.

Excluding the executive Members of Council (whose pay is fixed by Statute) the highest pay attached to any post in this province is that of the Judicial Commissioner, which is Rs. 3,500. The local Government recommends that the remittance benefit should be given to the occupants of all posts above the time-scale up to and including the Judicial Commissioner.

4. *Point (3).*—The proposals of the Commission regarding the grant of relief to Indian officers in the services are :—

(*a*) that the Indians already entitled to overseas pay should draw the increase proposed in such overseas pay, *i.e.*, an increase of Rs. 50 per mensem from about the age of 30 ;

(*b*) that Indians already entitled to overseas pay should only be entitled to the remittance privilege if they can satisfy the High Commissioner that they have wives or children in Europe.

The effect of these proposals will be more easily appreciated when the list of Indians entitled to overseas pay is examined. There are altogether in this province, in receipt of overseas pay, 13 Indian Civil Service officers (to be increased by those who succeed in the London open competition examination of 1924), one Police officer, one officer of the Indian Educational Service, two officers of the Indian Medical Service and one officer of the Indian Service of Engineers. The number of officers affected is thus small. These officers have hitherto been given the same treatment as European officers and the local Government considers it inadvisable to create a grievance by introducing differential treatment at this stage. The Association of Indian Officers in this province has urged equality of treatment and I am to attach a copy of their remarks on this point. Without committing itself to an acceptance of all the arguments advanced by the Association, the local Government considers that a reasonable case has been made out for the acceptance of the Commission's proposals, which constitute, moreover, an integral part of the structure of the Commission's recommendations as a whole.

5. *Point (4).*—The question of the basic pay of future Indian recruits to the four services operating in the reserved field is discussed in paragraphs 13, 14 and 15 of the Government of India letter ; and in their supplementary letter No. F.-178-11-24, dated the 4th July 1924, the Government of India refer to a definite suggestion that the basic pay should be two-thirds of the pay which may be sanctioned for European officers. The local Government has given careful consideration to this difficult question, and its conclusion is that so long as the Indian and British elements remain members of the same service, recruited and controlled by the same authority, any differentiation in basic pay is inadvisable. A reduction in the basic pay would entail so marked a difference between the emoluments of the two sets of officers as in effect to lead to the creation of a European *corps d'elite.* In this matter the local Government regards the political as more important than the economic aspect, and at a time when it is essential to maintain the efficiency of the administrative services, would deprecate any measure likely to affect the morale of the Indian element. The local Government is satisfied that no material reduction in the pay of the provincial services is practicable, and it is reasonable that the difference between the responsibilities of the All-India and the Provincial Services should be marked by substantial difference in pay. Moreover in some services, *e.g.*, the Indian Forest Service, there is reason to believe that a reduction in the basic pay would make it difficult to secure recruits of the required standard. Finally, the proposal of the Commission regarding basic pay is an integral part of the compromise on which the Commission's report is based and could not be modified without upsetting the general balance of the report. The local Government accepts, therefore, the opinion expressed in paragraph 15 of the Government of India letter, that, pending the result of the experience gained in the transferred departments, the basic pay of the services in the reserved field should remain unaltered.

The Hon'ble Mr. Standen (Revenue Member) while accepting this conclusion considers that if the report is not accepted as a whole, and substantial changes are made in the other recommendations of the Commission, the basic pay, after provincialisation of the Indianised posts, might be reduced approximately as follows :—

	Rs.	Rs.
Indian Civil Service	.. 300 to	1,500
Indian Police Service	.. 250 to	1,150
Indian Forest Service	.. 300 to	1,100
Indian Service of Engineers	.. 300 to	1,100

He thinks that with these scales it would be possible to reduce the pay at the latter end of the time-scale of the provincial services. The Hon'ble Sir Moropant Joshi (Home Member) is of opinion that while the basic pay up to Rs. 1,000 should be the same, the increments after Rs. 1,000 for Indians should be on a two-thirds scale.

6. *Point (5).*—In paragraphs 16-20 of their letter the Government of India discuss the proposals of the Commission that every officer of non-Asiatic domicile should be permitted to remit his overseas pay through the High Commissioner at a rate of two shillings to the rupee or to draw it in London at sterling at that rate. Of the alternatives mentioned by the Government of India, the local Government prefers the statement of the overseas pay in sterling at the rate of two shillings to the rupee. This proposal has the merit of simplicity and seems to be covered by the wording of the report. If the Government of India desire that the overseas pay should in the main be expended in England, the local Government suggests that officers should be allowed to pay contributions from their overseas pay into a Provident Fund to be maintained by the High Commissioner, London, as a substitute for contribution to the Provident Fund in India. This arrangement would be popular with officers who would regard it as adding to the security of their Provident Fund. The local Government is definitely opposed to the proposal that an addition in rupees should be made to the overseas pay, as the variations in sterling remuneration due to vagaries of exchange, would then remain. In connection with this remittance benefit, I am to point out that at present three officers in the Judicial Branch of the Indian Civil Service draw personal allowances to compensate them for the loss of exchange compensation allowance, while eleven members of the Indian Police Service, who were appointed prior to 1906, draw exchange compensation allowance. The local Government understands that in the first case the personal allowance will be reduced by the amount of the remittance benefit and in the second case the exchange compensation allowance will cease to be drawn.

7. *Point (6).*—With regard to the changes in the overseas scale of pay suggested in paragraphs 24 and 26 of the Government of India letter, the local Government, while agreeing that the proposals of the Government of India are perhaps more logical than those made in the report, would prefer to accept the proposals of the Commission as they stand.

8. *Point (7).*—The local Government agrees that the basic pay of the police should be raised as proposed by the Commission. The local Government desires to take this opportunity of suggesting an increase in the number of select posts in the police cadre. Under the terms of the Government of India Resolution No. D.-449, dated the 26th July 1921, the number of select posts is so fixed that the total percentage of posts above the time-scale will not exceed 10 per cent. of the provincial cadres. The effect of this rule in this province is to limit the number of select posts to one. The local Government would like to see this number raised to two.

9. *Point (8).*—The local Government agrees that the introduction of the technical allowance of Rs. 75 in the Indian Service of Engineers has caused much discontent, and is not justified. The addition of the technical pay to the basic pay will not, the local Government thinks, give the Indian recruit to the Indian Service of Engineers any undue advantage over Indian recruits in other services. His maximum pay in the ordinary time-scale at the age of 46 will be only Rs. 25 more than that of the police officer excluding the selection grade and of the officers of the Educational and Forest Services, and Rs. 75 more than that of the officers of the Indian Agricultural Service and Indian Veterinary Service. He will draw less than the police officer in the earlier years of his service, but after reaching the age of 35 years, he will generally draw more. Throughout his service he will draw slightly more than the officers of the Educational Service and the Forest Service. There is, in the opinion of the local Government, nothing unreasonable in the position so created and though on the merits of the case it agrees with the Commission that the increase in basic pay is not necessary for the Indian, the proposals appear to be the least unsatisfactory method of abolishing the technical pay. The local Government, therefore, accepts the proposals of the Commission on this point.

10. *Point (9).*—The local Government agrees that a case cannot be made out for the retention of judicial pay for future entrants. As regards an equitable rule for determining which officers should continue to draw judicial pay, the local Government considers that the judicial pay should continue to be drawn by every officer borne on the list of the Judicial Department at the date of the report, irrespective of whether he has officiated as a District Judge or not.

11. *Point (10).*—In paragraph 29 of their letter, the Government of India suggest a tentative scale of relief for the Women's Branch of the Indian Educational Service. There are only two European members of this service in this province and in view of the difficulties attached to the position of these ladies, especially in the early years of their service, the

local Government desires to put forward a slight improvement on the Government of India scale. The table below compares the present scale with the scales proposed by the Government of India and the local Government, respectively :—

Year.	Present.	Government of India's scale.	Local Government's scale.
1st	50	50	100
2nd	50	50	100
3rd	50	50	100
4th	50	50	100
5th	50	50	100
6th	50	100	100
7th	50	100	150
8th	50	100	150
9th	50	150	150
10th	50	150	150
11th	50	150	150
12th and onwards	50	200	200

The Hon'ble Sir Moropant Joshi would be content with the Government of India scale.

TABLE A.

Statement showing the differences in pay between the highest posts on the time-scale and the higher administrative posts in certain services in th Central Provinces and Berar, on the proposals as they stand.

NOTE.—The addition to pay resulting from the proposals of the Commission is in all cases taken as equivalent to Rs. 200 a month.

	Rs.	
Indian Civil Service—		
Pay of a Commissioner, Additional Judicial Commissioner, or Chief Secretary	3,000	
Pay of an officer at the top of the time-scale—		
(*a*) Executive	2,700	
(*b*) Judicial	2,850	
(*c*) Holding a post as Secretary to Government, Commissioner of Excise or Commissioner of Settlements ..	2,950	
Education Department—		
Pay of the Director of Public Instruction	2,000—100—2,500	
Pay of the Principal select post	2,200	
Pay of that post where the officer is also, as at present, head of the Robertson College	2,450	*plus* a free house.
Pay of ordinary select posts	1,950	
Where held by a Principal of a College on Rs. 150 (there are four such posts to three of which free houses are attached)	2,100	
Department of Agriculture—		
Pay of Director	2,000—50—2,250	
Pay of select posts	1,950	
Pay of a select post held (as at present) by the Principal, Agricultural College	2,100	

Remarks by the Central Provinces and Berar Association of Indian Officers regarding equality of treatment.

Indian officers of the All-India Services and particularly of the Indian Civil Service, have always insisted on receiving perfect equality of treatment with their European colleagues. In the past this equality of treatment was accorded to Indians without demur, with one exception, *viz.*, in respect of Exchange Compensation Allowance. Of this one differentiation Indians made no grievance as, in the first place, it pre-existed the entry into the service of many of them and, secondary, their numbers were, till recently, too few to permit of their taking concerted action with a view to the removal of a distinction which was inconsistent with the traditions of their service, whatever justification it may have had on economic grounds. The Exchange Compensation Allowance was abolished in 1919, when the pay of the services was reorganised on a time-scale basis. No differentiation was then made between European members of this service and Indians in the matter of basic and overseas pay. It has been argued that the grant of overseas pay to Indians was due, not to any theoretical consideration of equality of treatment, but on other grounds. A more recent instance will, however, prove that this all important principle was accepted in extending the benefit of the special leave rules to the existing Indian members of the services recruited in England, as it was evidently recognised by the Secretary of State that not to do so would have been inequitable and inexpedient. The passage advance rules promulgated in January 1923, may be cited as an instance of the disregard of the principle referred to above. My Association would point out, however, that no publicity was given to these rules and that many Indian officers were at the time ignorant of their existence. The attention of Indian members of the Indian Civil Service and other All-India Services was not drawn to them, at least in this province; when they were passed. My Association would reiterate this principle now and request that it should be borne in mind in arriving at a decision on the recommendations of the Lee Commission. Any departure from it would be inequitable and administratively mischievious, and would be attended by disastrous reaction on the prestige, contentment, morale and efficiency of a class of public servants on whose success will depend the ultimate success of the scheme of progressive Indianisation of the services. In the next generation Indian efficiency will in large measure be judged by our efficiency and our failure will to a great extent be the measure of the failure of Indians as a nation in the craft of administration.

Standard of living and domicile.—My Association would point out at the outset that a standard of living is not synonymous with a style of living. The argument developed by the Government of India is vitiated by this confusion of thought. An Anglo-Indian's style of living may approximate to that of a European in the outward signs of it, *viz.*, mode of dress, ways of cooking and taking food, etc. But that does not surely mean that his standard of living is as high as that of a European in superior government service. In other words, the standard of living of a guard on the Bengal-Nagpur Railway is not identical with that of a European Deputy Commissioner in the Central Provinces. It is surprising that the Government of India have been betrayed into advancing, even for argument's sake, a line of reasoning so palpably fallacious. My Association asserts and is prepared to support the assertion by concrete facts and figures that the standard of an Indian Officer in the superior services is no whit lower than that of his European colleagues ; in the matter of dress, number of servants, mode of conveyance, social habits, entertainment. This is particularly true in the case of Indians in the Indian Civil Service, which contains by far the largest number of Indians at present in the superior civil services and in which Indians were admitted earlier than in any other service. Their prolonged residence in England, their intimate contact with British young men at one or the other of the great Universities of Great Britain (in the majority of cases Cambridge or Oxford), the footing of perfect equality on which they have stood and worked with their British colleagues in the superior civil services in India, and which was never challenged till lately, all these have inevitably influenced their standard of living, for good or for evil. Some of these officers send their families to England and make occasional trips to Europe. The more senior from among them already educate their children in England. The younger officers have every intention of giving their children an education not ess advanced and liberal than what they themselves have received. These commitmenlts which are the inevitable corollary of the standard of living that was forced on them by circumstances (and which they were encouraged by Government to maintain and indeed obliged to

maintain sometimes on pain of official displeasure) cannot now be justly described as voluntary. Domicile in itself is a misleading test. It may have an important bearing on the question, because it determines the standard of living, but it is the latter which is the only firm basis in this difficult matter. This, as has been pointed out above, is identical with that of their colleagues of European domicile. Moreover, there are social and religious obligations peculiar to Indians and from which they cannot escape, however Europeanised they might have become, which constitute an additional drain on their purse. There are several Indians who maintain a double establishment in order to be able to entertain their Indian friends as well as their European ones. The claims of the families on them are insistent, a fact which my Association think nobody who is not born in India can rightly appreciate. My Association would not have enlarged on this question, had it not been for the necessity of demonstrating the weakness of the otherwise ostensibly plausible line of argument advanced by the Government of India with regard to it.

Risks and expenses of an English education.—The Government of India explain in paragraph 9 (*a*) of their letter that overseas pay was granted to Indians in 1920 because the increases in total pay made in 1919 were so small that, had the Indians not been granted overseas pay, they would have had no increase or even a decrease on their previous emoluments, whereas the cost of living of Indians had admittedly risen considerably. My Association, therefore, fails to understand how the same overseas pay can be regarded as sufficient recompense for the expense and risks of an English education, which moreover was the only avenue for entry into many superior services, particularly the Indian Civil Service. The extent of these risks and expenses has not, my Association is afraid, been fully realised. There are many Indians who start their career saddled with large debts incurred to meet the cost of an English education preparatory to entry into the Indian Civil Service and other services recruited in England. The case of a junior Indian Civil Service officer who is in his fifth year of service is paying Rs. 200 per month out of his pay to one of his creditors (for debt contracted before he sailed for England) which my Association would quote is by no means exceptional. Another officer, who is in the Indian Medical Service, and was occupying a high administrative post in one of the larger provinces required 17 years before he was rid of the debts he had contracted for the purpose of his foreign education. My Association could prove to demonstration that the present overseas pay that Indians receive is an inadequate recompense for the expenses and risks of an English education.

Differentiation between Indian and Indian.—The grounds on which such a differentiation is based are real and not dependent on the chance date of appointment. There may be Indians who are in receipt of overseas pay, though they have never been out of India, but it needs no argument to show that they are the exception and not the rule. Their existence is surely no reason for denying relief to those who have been out of India, much the larger number. As stated above, the latter entered service on the understanding that no distinction would be made between them and Europeans, an understanding that was one of the attractions of the service. Their standard of living has been affected irrevocably by this consideration. Future Indian recruits will enter service with a full realisation of the distinction which will be made, and will have no legitimate reason for grievance on the ground of being taken unawares.

GOVERNMENT OF ASSAM.

THE GOVERNOR IN COUNCIL.

APPOINTMENT DEPARTMENT.
APPOINTMENT BRANCH.

LETTER FROM A. W. BOTHAM, ESQ., C.I.E., I.C.S., CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, NO. APPTT. 1107—4251-A.P., DATED SHILLONG, THE 4TH AUTUST 1924.

With reference to your letter No. 178/11/24-Establishments, dated the 21st of June 1924, on the subject of the Royal Commission's proposals regarding the pay of the All-India Services, I am directed to communicate the views of the Government of Assam.

(1) The Government of Assam are prepared to accept the general scale of increase proposed. It will be seen from the enclosed representation from the Assam Association

of European Government Servants that it falls considerably short of what most of the services draw, but in view of present financial conditions this Government are not prepared to press for a further increase.

(2) His Excellency the Governor and the Hon'ble Mr. Webster agree with the European members of the Commission that relief in the matter of remittance benefit should be granted to officers above the time-scale, but would restrict it to those who do not draw more than Rs. 3,000 a month. The Hon'ble Khan Bahadur Kutubuddin Ahmad on the other hand and both the Hon'ble Ministers support the views of the Indian Members of the Commission.

(3) In the opinion of this Government no relief to Indian officers already in service is called for.

(4) As regards the basic pay of Indian recruits to the All-India Services, the Hon'ble Minister for Local Self-Government considers that all future Indian recruits should be placed on a separate and reduced scale of pay suited to local conditions. The remaining members of Government are, however, opposed to any reduction of basic pay at present in the All-India Services.

(5) With regard to the three alternative methods discussed in paragraphs 16 to 20 of your letter of giving effect to the Commission's recommendation regarding the remittance concession, the Government of Assam do not favour the third alternative. The second is admittedly attractive from certain points of view, but is open to the objection that a change of policy on the part of the income-tax authorities in England might materially detract from its value and necessitate its subsequent revision. On the whole, therefore, the Governor in Council favours the adoption of the first alternative which has the advantage of being the form of relief recommended by the Royal Commission.

In this connection the Assam Association of European Government Servants have drawn attention to the fact that the Report of the Royal Commission is silent regarding the rate at which overseas pay may be drawn by officers on leave as part of their leave salary. They have pointed out that the expenditure which overseas pay was designed to meet—education of children at home, etc.—continues when an officer is on leave, and that had the rate of exchange remained at two shillings the whole of an officer's leave salary would have been payable at that rate. They consider, therefore, that so much of the leave salary as represents overseas pay should be converted into sterling at two shillings to the rupee. This suggestion appears to the Government of Assam to be reasonable. Its adoption would entitle an officer on full average pay to the remittance concession in respect of his full overseas pay, and an officer on half average pay would benefit to the extent that half his overseas pay would be drawn in sterling at the same rate.

(6) The Government of Assam do not consider that any modification of scales on the lines suggested in paragraphs 24 and 26 of your letter is called for, and would prefer to accept the Royal Commission's recommendations as they stand.

(7) The Government of Assam agree that the basic pay of the Police should be raised as proposed by the Commission.

(8) There appears to be no sufficient reason for raising the basic pay of the Indian Service of Engineers by Rs. 75 a month merely for the purpose of absorbing the present technical pay.

(9) In the opinion of this Government the reasons which led to the grant of special judicial pay no longer exist, and this special rate should be abolished for new entrants. The Government of Assam have no judicial posts on their cadre and borrow from Bengal such judicial officers as they require from time to time. They would therefore leave it to the Government of Bengal to advise on the rule which should be made applicable to an officer who was, at the time of the issue of the Report, officiating in a judicial appointment but had not been confirmed.

(10) No member of the Women's Branch of the Indian Educational Service is at present serving in Assam, and this Government do not propose to offer an opinion on what would be a suitable scale of relief for that service.

ASSAM ASSOCIATION OF EUROPEAN GOVERNMENT SERVANTS.

LETTER FROM THE HONORARY SECRETARY, ASSAM ASSOCIATION OF EUROPEAN GOVERNMENT SERVANTS, TO THE CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM, DATED SHILLONG, THE 17TH JULY 1924.

I am directed to acknowledge the receipt of your memorandum No. Appt. 934—3698—711, dated the 28th June 1924, with which you forward for an expression of opinion from this Association a copy of letter No. F. 178/11/24-Ests., dated the 21st June 1924, from the Government of India, in which are discussed the proposals of the Royal Commission on the Superior Civil Services in India about the pay of the All-India Services. In reply I am again to invite attention to the evidence placed before the Royal Commission by this and other Service Associations, and to the replies given by this Association to paragraphs 3, 5, and 6 of Part II of the questionnaire. I am also to reiterate and emphasise our observations in paragraph 2 of my letter of the 14th June last.

With regard to the points summarised in paragraph 30 of the Government of India letter, I am to forward very briefly the further views of this Association.

(1) The proposal to keep basic pay where it is would not be objected to by this Association if the proposed increase in Overseas pay were adequate for our needs. A reference to paragraph 18 of our evidence before the Royal Commission shows clearly that it is not.

(2) In view of the anomalies pointed out by the Government of India in paragraphs 2 to 8 of the letter under reference and the strong argument enunciated in paragraph 4, we are of the opinion that, at whatever point the relief is discontinued, this point must be determined by pay and not by posts. The arguments for the case my Association wishes to make have been fairly set out in Appendix IV (*i*) to the Report by the European Members of the Commission, strongly supported by the Chairman, and my Association has little to add beyond drawing attention to the actual results of the proposals as they stand in certain Departments. Unless the recommendations of the majority of the Commission are accepted, not only will one of the principal attractions which the Services offer to prospective recruits be removed, but the great incentive which "prize posts" offer to good work throughout the early years of service will be lost. Again, even in the later years, the pecuniary gain on promotion to a higher Administrative post will be so small as to discourage competent officers from seeking or accepting promotion, in view of the heavier work, responsibility and expense involved. In some cases a senior officer on a time-scale will actually stand to lose by promotion.

The concession recommended by the majority of the Commission will, in most cases, just turn the scale in favour of the higher appointments, and the addition to the cost of the proposals of the Commission should not be considerable. In asking that the proposals outlined in Appendix IV (*i*) should be accepted, my Association urges that they represent the barest minimum that will secure the general efficiency and contentment of the Services.

The maximum pay of Superintending Engineers, in the Indian Service of Engineers, was fixed at Rs. 2,000 *plus* exchange compensation allowance, equivalent in all to Rs. 2,125 as long ago as the year 1905, a figure which is Rs. 25 less than the maximum of Rs. 2,150 now proposed. At the reorganisation of 1908, the maximum was reduced to Rs. 2,000, by the omission of exchange compensation allowance for the more junior men, and in 1919-20, owing to the adoption of a common scale for Imperial and Provincial Officers, the latter benefitted to the extent of an increase of 34 per cent. in maximum pay, whilst the former received a small increase which meant little more than the restoration of exchange compensation allowance previously withdrawn. The fallacy underlying the argument of "equal pay for equal work" is demonstrated in the Note by the European Commissioners, Appendix IV (*i*), and you will appreciate the feelings of these officers if the justice of their claims is set aside owing to political expediency.

The time at the disposal of the Commissioners was insufficient for a minute examination of every individual case and my Association believes that they were not fully cognisant of the history of these appointments as set forth in the previous paragraph.

The importance of "prize posts" in a service is emphasized by the English Commissioners and the Chairman in Appendix IV, and my Association begs to bring to your notice the remarkable manner in which the comparative value of these Administrative

posts has decreased during successive reorganisations in the last 19 years. In the year 1905, the maximum pay of an Executive Engineer, including exchange compensation allowance, was Rs. 1,063 compared with the maximum pay of Rs. 2,125 in the case of Superintending Engineers, a difference of Rs. 1,062 per mensem. In the 1908 and 1919 reorganizations, the difference was successively reduced to Rs. 750 and Rs. 525. Under the present proposals of the Commission, the difference would further shrink to Rs. 325 per mensem, whilst in the case of the Police Service the difference between the maximum pay of a District Superintendent in a selected post and that of a Deputy Inspector General would be only Rs. 250 per mensem. Although in the case of the posts of Heads of Departments concerned, a substantial difference of pay still exists, my Association desires to make it clear that such appointments can be held by very few and that the lower administrative appointments of Deputy Inspector General, Conservator and Superintending Engineer are the highest which the average officer can hope to reach.

The form of relief recommended in paragraph 55 for officers holding these appointments is the conversion of the present time-scale of Rs. 1,750—100—2,150 into a flat rate of Rs. 2,150. There can be no doubt that the Commission was actuated by the desire to afford equitable treatment for these officers, and at first sight this readjustment of pay appears to be not ungenerous. A detailed examination, however, which was beyond the power of the Commission to make, shows that the proposals operate most unfavourably for the majority of officers at present holding these appointments, whilst in the case of the officers most favourably affected they compare unfavourably with the relief recommended by the Commission for all other Government servants. This Association is of the opinion that it would be fairer to the majority of the officers concerned if the present time-scale of Rs. 1,750—100—2,150 were allowed to remain and the remittance benefit extended to all Deputy Inspectors General, Superintending Engineers and Conservators of Forests, etc.

(3) Our demands for relief for Europeans were made on the basis of the actual needs of Europeans as such, and as established by family budgets ; and we are not in a position to offer an opinion on the actual needs of Indians which would justify an extension to them of similar relief, especially in view of the fact that any commitments they may have outside India are voluntary and not inevitable.

(4) This Association does not desire to express any opinion on this point.

(5) There is great force in the argument contained in paragraph 16 (*a*). Paragraph 16 (*c*) is not correct. Even early in married life and before family expenses assume serious proportions, provision for the future has to be made at home by insurance or otherwise. This Association agrees entirely with the facts put forward in paragraph 18, and is in favour of making an adequate addition to overseas pay and stating the whole of it in Sterling to be drawn in England (or the Dominions). Provided that the Home Income-tax authorities do not revise their regulations and declare hereafter that any person who draws regular pay at Home is to be deemed to be resident in the United Kingdom for purposes of Income-tax administration. In such an eventuality the interests of the services should be safeguarded. I am to add that this Association is of opinion that this concession should be extended to officers whose Indian Domicile is purely technical.

(6) This Association would have no objection to an amendment of the scale to produce a more uniform rise which would yield the same result and considers that overseas pay should be fixed on the basis of age.

(7) The Police are at present excluded from membership of this Association.

(8) Technical pay is given in recognition of the superior education and training obtainable in England and this Association can see no reason for its application to those who have not obtained these expensive qualifications.

(9) This Association agrees that the reasons which led to the grant of special judicial pay no longer exist and that for future entrants this special rate of pay should be abolished. They consider however that an officer who has acted for a considerable time in a judicial appointment and failed to be confirmed through no fault of his own, has acquired an 'accruing right' which should be recognised.

(10) This Association would be prepared to agree to the scale proposed.

The letter of the Government of India to the Local Government naturally contains no reference to Central Services. But this Association contains Central Officers and it is only through it that they have an opportunity of being heard.

The Ecclesiastical Department draws no Overseas pay, and therefore the Remittance recommendations will give them no relief at all. This cannot have been the intention of the Royal Commission (see paragraph 57 on page 31 of the Report and paragraph XXV of the Summary on page 68). Moreover, they are a very low-paid Service and are badly in need of some such relief. Similarly in the Audit and Accounts Service there is no Overseas pay. That Service draws a similar amount but it is called "Addition to pay"—presumably in order to enable Indians as well as Europeans to draw it. Unless these two Services therefore take this opportunity of representing that they are in equity entitled to similar Remittance privileges, there is every probability that their claims will be overlooked.

I am desired to refer to the fact that the Report of the Royal Commission is silent regarding the rate at which overseas pay may be drawn by officers on leave as part of their leave salary. It is unnecessary to point out that the expenditure for which overseas pay is granted—education of children, etc., continues when an officer is on leave; moreover had the rate of exchange remained at 2*s.* the whole of an officer's leave salary would have been payable at that rate. I am therefore to express the hope that, with reference to Fundamental Rule 91, so much of the leave salary as represents overseas pay will be converted into sterling at 2*s.* a rupee in the event of it not being decided to fix and pay overseas pay in sterling.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

ESTABLISHMENTS.

LETTER FROM THE HON'BLE MR. J. CRERAR, C.S.I., C.I.E., SECRETARY TO THE GOVERNMENT OF INDIA, TO ALL LOCAL GOVERNMENTS, NO. F.-178/12/24-ESTS., DATED SIMLA, THE 22ND JUNE 1924.

With reference to my letter No. 172/24-Est., dated 18th June 1924, I am directed to address you regarding the proposals of the Royal Commission on the Superior Civil Services in India for the grant of passages to officers and their families when travelling to Europe on leave. The Commission recommend that the passage concession should be granted by means of an addition to overseas pay which should be credited at once to a general passage fund. Free passages would then be granted to officers, their wives and children according to a certain scale. The system of a passage fund has certain obvious advantages. It has been generally recognised that it would be unsatisfactory to make an addition to pay with a view to covering the cost of passages without taking any steps to ensure that the money is not dissipated in every-day expenditure. This objection could be removed by insisting that every officer should place the money intended for passages in his individual provident fund. This would have the desired effect of compulsory saving, but it is doubtful whether it would be such a satisfactory concession to the Services as the institution of a general passage fund. The passage fund has the great advantage of giving the maximum immediate benefit. It would take from 4 to 5 years for an officer to build up by means of an individual provident fund the sum required for the passage home of himself and his wife. The passage fund on the other hand would give an officer and his wife a free passage at once. Further the passage fund has the advantage of providing automatically for the actual needs of the wife and family. If a system of individual provident funds were adopted, it would be necessary for Government to make different additions to the pay of the married and the single. This may not be thought desirable, and unless the differentiation is to go into further family details in regard to the number of children, it is certain that some officers would get more than they require for the purpose of passages and others would get less. Finally the system of a passage fund is likely to be on the whole more economical to Government. Pay once credited to an individual provident fund must be the property of the individual officer whether it is expended on passages or not. But under the passage fund system if officers do not take the full benefits to which they are entitled the sum saved would accumulate as a balance at the credit of the fund and it might be possible later to reduce payments into the fund. This system would ensure at any rate that no more money was paid out by Government than was actually required for the purpose for which it is given.

2. On the other hand it is possible that some legal difficulties might arise in deciding whether money thus paid compulsorily into a general fund could properly be regarded as part of an officer's pay and therefore non-votable. The legal position is being examined. Should the difficulties appear to be real, it might be necessary to abandon the idea of the fund. In that case a further communication will be made regarding possible alternatives.

3. It is recommended that each officer entitled to the concession should receive 4 return passages during his service on the standard of P. and O. 1st class B, that provision on a similar scale should be made for his wife and that one single passage should be granted for each child. It is estimated that these benefits could be provided by the payment of Rs. 50 a month by each officer. The first question for decision is whether this general scale of benefit is reasonable.

4. If the scale of benefit is accepted as reasonable, the question arises of the exact form which the concession should take. The Commission propose to give actual passages at a first class P. and O. rate. Many officers, however, would prefer to travel less comfortably, if the financial difference could be devoted to additional passages. Further there would be a practical difficulty, if all officers of the Superior Civil Services were entitled to passages at a 1st class P. and O. rate. It may be taken as certain that none would elect to travel more cheaply and less comfortably when the saving would merely accrue to Government. This would mean that lines other than the P. and O. which carry at present a considerable number of Government servants would lose the whole of this connection and they would have reasonable cause for complaint.

5. This line of argument would suggest that it might be wiser to give a larger number of passages on the scale of second class A. P. and O. in place of a smaller number on the scale of 1st class B. But this solution again would not be altogether satisfactory. Those who travel first class, and it cannot be said that this is an unreasonable course in the case of senior officers, would never be able to secure from Government the full amount which they expend on any particular journey.

6. It is possible that the simplest solution would be not to grant the value of actual passages at either 1st or 2nd class rates, but to credit each officer with the value of 4 passages 1st class B. P. and O. for himself and the appropriate number for his wife and children, and allow him to draw against this credit the sums which he actually expends on passages for himself, his wife and children. It would then rest with the officer to devote the available credit to a smaller number of expensive passages or to a larger number of cheap ones—the only restriction being that the credits of the officer, his wife, and each child should be separate and non-transferable. It might be necessary to devise some method of adjusting the credits when passage rates are either raised or lowered but the Government of India think that this could be done without much difficulty. I am to enquire whether this solution appears reasonable to the Government of Madras, etc.

7. The Commission recommend that passages should be granted to officers of non-Asiatic domicile only, with the one exception that Indian officers of the Indian Civil Service in receipt of overseas pay should also receive this privilege. It may reasonably be held that passages should be granted only to those officers whose circumstances render periodical visits to England inevitable, and therefore that as a general rule the privilege should be confined to officers with a non-Asiatic domicile. It is difficult to see how any exception to this general rule can be made in favour of Indian officers of one particular Service as suggested by the Commission. I am directed to enquire whether the Government of Madras, etc., have any recommendation to make in favour of extending any passage concession to any officers of Asiatic domicile.

8. It would seem advisable to leave it to officers to draw on the passage fund to meet the cost of passages whenever it suits them to do so. It would be possible to lay down that each passage should be earned only after certain periods of service, but such a rule would give rise to a multitude of hard cases. The health of the officer or his family or the convenience of Government work often determine the date of leave home. From causes beyond his control an officer might be forced to make a voyage a few months before a passage became due. It may be wiser to avoid these occasions of hardship by allowing officers to take the passages when it suits them.

9. It is necessary to lay down a scale for officers now in service. The Commission suggest that an officer with less than 7 years' service should be entitled to 4 passages: with

7 years and less than 14 years to 3 passages ; with 14 and less than 21 years to 2 passages ; with 21 years and over to 1 passage. I am to ask whether the Government of Madras, etc., accept this scale. In the case of an officer who is already married at the date of the intoduction of the system the wife would naturally be entitled to the same number of passages as the officer is entitled to under the approved scale. With regard to marriages which take place subsequent to the introduction of the system, it seems advisable that the number of passages to which the wife is entitled should be reduced on the same scale as that proposed for officers now in service, that is to say if an officer marries within his first 7 years of service, his wife would be entitled to the full number of 4 passages ; if he marries after 7 years' service but with less than 14 years the wife would be entitled to 3 passages and so on.

10. With regard to children the Commission have proposed that the value of one single passage should be allowed for each child. In considering this proposal it should be remembered that one child under 3 years of age is carried free, and children who are not less than 3 years but less than 12 years of age are charged only half fare. It would seem necessary to lay down some restriction in the definition of children. When the system has been working for some time it may be anticipated that the whole credit of each child will be used up while it is still young, but at present senior officers will obviously have children of more mature years for whom claims may be made. I am to enquire whether it would be reasonable to prescribe that passage money should be drawn only for unmarried daughters and for sons under the age of 21.

11. The Commission appear to contemplate a separate passage fund administered by each local Government. It seems probable however that for the purposes of convenience and stability it would be preferable that there should be only one fund administerd by the Government of India. It would be necessary for the Government of India to assure itself that the payments into the fund would on the present level of passage rates cover the benefits laid down. It is probable however that in the first year or two after the introduction of the scheme there would be unusually heavy demands on the fund as officers who may have been for years unable to afford to take leave would be likely to take advantage of the new privilege. It is possible therefore that in the first two years there would be a temporary deficit in the fund, and it would seem necessary for the Government of India to finance this deficit.

12. It has been decided that in accordance with the recommendation of the Commission the financial relief which may be sanctioned for the Services should have effect from the 1st April 1924. This date, it is recognised, cuts right into the middle of the leave season and it is no doubt the case that a considerable number of officers and their families must have proceeded home during the month of March and would thus miss the concession by a few weeks or days. It is impossible to agree to any retrospective effect earlier than the first April 1924. To mitigate the hardship however it might be provided that any officer (or the family of an officer) who has proceeded to England before the 1st April but returns after that date would be entitled to draw against his credit the value of a single passage when the return journey takes place. It would have to be laid down that any sum thus drawn should be applied by the officer in the immediate reduction of any passage advance that may be outstanding against him.

13. It will be observed that the recommendations of the Commission are confined to officers of the Superior Civil Services. The recommendation excludes officers of the Provincial Services who are at present entitled if of non-Asiatic domicile to receive passage advances without interest. It is not possible for the Government of India or the Secretary of State to prescribe the remuneration of such officers or to direct that local Governments should grant them overseas pay for the purpose of enabling them to join the general passage fund. It would be open to any local Governments to grant them the necessary sum in the form of overseas pay and thus to secure their admission to the benefits of the fund, but this is a matter which must be left entirely to the option of the local Governments.

14. To sum up I am to ask for the views of the Government of Madras, etc., on the following points :—

(1) whether the principle of a passage fund is accepted, provided no legal difficulties are likely to arise.

(2) whether the scale of benefits proposed by the Commission is accepted.

(3) whether the value of these benefits should be credited to officers, who would be allowed to draw against these credits, as suggested in paragraph 6 of this letter.

(4) whether the benefits should be confined to officers of non-Asiatic domicile or whether any concessions should be given to any officers of Asiatic domicile.

(5) whether the suggested scale of reduction for officers now in service and for wives in the case of future marriages is appropriate.

(6) whether the suggested restriction on the definition of children is accepted.

(7) whether the proposal to have one single fund administered by the Government of India is approved.

(8) whether the concession suggested in paragraph 12 of this letter for officers who have proceeded home before the 1st April 1924, but return to India after that date is approved.

15. I am to invite attention to paragraph 31 of my letter No. 178/11/24-Ests., dated 21st June 1924 and to say that in this letter also it must be understood that arguments and practical considerations have been stated only with the object of facilitating discussion, and must not be taken as indicating any expression of views on the part of the Government of India.

16. In view of the great importance of arriving at an early decision on the points discussed in this letter I am to ask that the reply of the Government of Madras, etc., may reach the Government of India not later than the 4th August 1924.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF MADRAS, No. 546, DATED THE 4TH AUGUST 1924.

In reply to your letter No. F.-178/12/1924-Ests., dated 22nd June 1924, on the subject of the recommendations of the Royal Commission regarding passages, I am directed to say it appears to His Excellency the Governor in Council unnecessary to explore the various aspects of the subject presented in the letter under reply. The recommendation of the Commission is in substance that free passages should be given according to a specified scale; their estimate of the financial cost and the establishment of a *pro forma* fund appear to be only ancillary suggestions.

2. His Excellency the Governor in Council has no objection to the opening of a *pro forma* fund if it is decided that this will be the best method of keeping the power of grant in the hands of the Secretary of State and the Government of India. At the same time this plan appears rather clumsy and certain to provoke adverse criticism. His Excellency the Governor in Council would prefer to place the grant of passages as the Commission itself proposes in the contracts made between the Secretary of State and the officers of the various services concerned, such contracts being made retrospective from the 1st of April 1924. The provision of funds to meet the cost of passages each year would then be placed in the budget and would be votable, but the power of the Governor General and of Governors to certify and restore under Section 72-D (2) (*a*) of the Government of India Act should be exercised if the grant is refused. So far as the power of a Governor is concerned there can be little doubt that clause VII (4) of the Instrument of Instructions which charges him to safeguard the members of the services in the enjoyment of all recognised rights and privileges and to see that all things are ordered justly and reasonably in this regard would amply justify his granting the certificate necessary in order to carry out a legal obligation to the officers concerned.

3. His Excellency the Governor in Council accepts the scale of benefits proposed but can see no reason why the value of the benefit should be credited to individual officers or why they should be allowed to draw against these credits. They should be provided with passages in accordance with the numerical scale laid down. The actual cost of a passage taken should be allowed subject to the limit laid down, namely, a first class B passage by the P. and O. Line. His Excellency the Governor in Council does not anticipate that this will make officers travel by P. and O. exclusively, for many people prefer other lines, and, during the passage season, the P. and O. ships run full and could not take many more than they do now.

4. Regarding the point raised in paragraph 7 of the letter under reply His Excellency the Governor in Council would grant the privilege of free passages on the numerical scale laid down to officers of Asiatic domicile if they can satisfy the High Commissioner that they have wives or children in Europe.

5. His Excellency the Governor in Council accepts the numerical scale of passages set out in detail in paragraph 9 of your letter under reply for officers now in service and their wives and children. If the actual cost [subject to the limit, i.e., cost of 1st class (B), P. & O.] of the passages allowed is paid by Government there will be no complications to be provided for.

6. According to this Government's reading of the Commission's report, their recommendation in regard to children is that the cost of the passage of a child once from India to England is all that should be paid. As there is no charge for a child under 3 years of age, the reference can only be to children 3 years old or over. His Excellency the Governor in Council would fix the limit of age at 18.

7. If the device of a *pro forma* fund is adopted, His Excellency the Governor in Council considers it should be a single one maintained by the Government of India.

8. In paragraph 12 of the letter under reply the case of officers who have proceeded home before the 1st April 1924 and who return after that date is discussed. His Excellency the Governor in Council considers that such an officer may be given the option either of receiving the cost of a single passage from England to India according to the accommodation actually paid for by him and losing one of the passages which would otherwise stand to his credit, or of receiving nothing and retaining the full number of passages to his credit that the scheme allows.

9. Lastly, I am to refer to the case of an officer going home on leave preparatory to retirement. His Excellency the Governor in Council presumes that there will be no objection to allow such an officer the cost of the single passage home, provided he has a passage still to his credit. The point is mentioned as the Commission's recommendations seem to refer exclusively to return passages.

10. The views of the Honourable the Ministers are stated in their Memorandum forwarded with my letter No. 472-O., dated the 23rd July 1924.

Extract from a telegram from the Government of Bombay, dated the 5th August 1924.

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Decisions have been arrived at in regard to pay and passages, subject always to reservation minority already communicated, viz., that minority would make no concession to services unless control of All-India Services is transferred from the Secretary of State to some authority in India.

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Reference your letter No. 178/12/24.

Questions 1 and 2.—Accepted; but Government would prefer fifth passage to be given to officers of 28 years' service and over.

Question 3.—Accepted.

Question 4.—Should be confined to officers of non-Asiatic domicile; but if given to Indians in any service, should be given in all.

Questions 5 to 8.—Accepted.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF BENGAL, No. 9398 A., DATED THE 9TH AUGUST 1924.

I am directed to refer to your letter No. F.-178/12/24-Ests., dated the 22nd June 1924, regarding the proposals of the Royal Commission on the Superior Civil Services in India for the grant of passages to officers and their families when travelling to Europe on leave. Eight specific questions are raised in your letter. They have been considered by the Governor in Council and I am to reply to them as follows:—

(1) This Government accepts the principle of a passage fund, provided no legal difficulties are likely to arise.

(2) The Governor in Council accepts the scale of benefits proposed by the Commission.

(3) This Government agrees that the value of these benefits should be credited to officers who would be allowed to draw against these credits as suggested in paragraph 6 of your letter.

(4) The Governor in Council would modify the recommendation of the Commission by giving to officers for whom a training in England is a necessary preliminary to their appointment to Government service the same concessions as are allowed to non-Asiatic member of the service.

(5) For officers now in service with considerable seniority who have not derived the benefits now proposed in the matter of overseas pay and remittance, there appears to be a case for more liberal treatment than suggested. It is suggested that the proposals be modified as follows:

(*a*) Officers with less than 7 years' service to get four passages.

(*b*) An officer with 14—21 years' service will normally get 3 passages but if he had had less than one year's leave in terms of average salary at the date when the report was signed, he would get 4 passages.

(*c*) Similarly an officer with 14—21 years' service would get 3 passages if he had had less than two years' leave in terms of average salary; and

(*d*) an officer with more than 21 years' service would get 2 passages if he had had less than three years' leave in terms of average salary.

2. The Governor in Council accepts the suggestions as regards wives, subject to modification on the lines proposed above.

(6), (7) and (8). The Governor in Council approves of all these suggestions.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF THE UNITED PROVINCES, No. 3762, DATED THE 26TH JULY 1924.

I am directed to reply, on behalf of the Governor in Council, to Home Department letter No. 178/12/24-Ests., dated the 22nd June, 1924. As in other replies on the Commission's report, the paragraphs in this letter will correspond with the heads of the summary in paragraph 14. The reply is subject to the note of the Hon'ble Home Member forwarded as an annexure to this Government's letter No. 3328, dated the 8th July, 1924. A copy of that note is attached* for reference.

(1) "whether the principle of a passage fund is accepted, provided no legal difficulties are likely to arise."

Though the Commission's proposal has taken a somewhat ingenious financial form, it is in itself simple and straightforward and has appealed to service opinion as providing an immediate and reasonable solution of this particular difficulty. It is undesirable that the concession should be hedged round with intricate detail. The proposed fund will have all the advantages, stated with the object of facilitating discussion in paragraph 1 of the Home Department's letter, and it has the great merit of limiting actual expenditure to the object which it is desired to secure, namely the provision of a definite number of passages earned by certain definite conditions of service. It is clear too that the fund will pay its way. The proposed concessions run no risk of straining the financial stability of the fund. An officer will earn a passage concession on the Rs. 50 a month calculation well within each of the several periods of service which entitle him to it, whilst the single claim granted to officers of over 21 years service will be based on payments made during the whole of the rest of their service, a period which may extend to 14 years. The principle is therefore accepted provided no legal difficulties arise.

(2) "whether the scale of benefits proposed by the Commission is accepted."

This is accepted, though the scale is illiberal to officers of over 21 years service.

(3) "whether the value of these benefits should be credited to officers, who would be allowed to draw against these credits, as suggested in paragraph 6 of this letter."

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* Not printed with this letter.

The Governor in Council accepts this solution. It involves no serious departure from the proposals of the Commission, and it obviates the difficulty, to which the Government of India draw attention in para. 4 of their letter.

(4) "whether the benefits should be confined to officers of non-Asiatic domicile or whether any concessions should be given to any officers of Asiatic domicile."

The Governor in Council can find no valid reason for granting passage concessions to officers of Asiatic domicile. The visits of European officers to England stand on an entirely different footing from those of Indian officers. The former have been from the beginning implicit in the terms of service, and the whole structure of the European leave rules is due to this fact.

With regard to paragraph 8 the Governor in Council considers that the rules on the subject should be as elastic and as free from restrictions as it is possible to make them.

(5) "whether the suggested scale of reduction for officers now in service and for wives in the case of future marriages is appropriate."

This is accepted. It has, however, been remarked that the scale is illiberal to officers of over 21 years standing. It would be a simple and equitable improvement of the scale to lay down that such officers, on completing a further period of 7 years service, should thereby become entitled to one additional passage concession applicable, as in other cases, to wife and children.

(6) "whether the suggested restriction on the definition of children is accepted."

This is accepted as a reasonable solution.

(7) "whether the proposal to have one single fund administered by the Government of India is approved."

So long as there is a single public account, it is advisable that this fund should remain Imperial. But should the accounts of the provinces ever be separated, then the fund, being financed from provincial moneys directly, should form part of the resources that would then be presumably handed over to the provinces.

(8) "whether the concession suggested in paragraph 12 of this letter for officers who have proceeded home before the 1st April, 1924, but return to India after that date, is approved."

Officers might well be given this option. It would create a good impression and involves no extention of the ultimate financial obligations. The recommendations of the Royal Commission are, taken together, clearly minimum recommendations. The Commission's discussion of pay and allowances in chapter VI of their report makes it clear that in more propitious circumstances they would have made more liberal recommendations. They describe the improvement in emoluments recommended as absolutely necessary. They have clearly yielded only such ground as was absolutely indefensible, in view of the urgent need for economy in Indian administration. This being so, the Governor in Council attaches great importance to a frank and full acceptance of the recommendations made. He would again refer to paragraph 108 of the Commission's report where the interdependence of the recommendations is so emphatically insisted upon. The improvements in pay and emoluments proposed in chapter VI are bound up with the passage concessions, with the provision of European medical attendance, with the recommendations for recalculating house rent and with improved pensions in the uncovenanted services. It is in every way desirable that within the limits of the actual recommendations, the utmost freedom and elasticity should be aimed at in the consequential rules and regulations. The position contemplated in paragraph 12 affords an opportunity for the liberal application of the passage concession. The cost will be nothing, and the impression will be good. The Governor in Council recommends that the suggestion be carried out.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF THE PUNJAB, No. 18929-GAZETTE, DATED THE 5TH OF AUGUST 1924.

I am directed by the Governor in Council to reply to the questions summarised in paragraph 14 of your letter No. F.-178/12/24-Ests., dated the 22nd of June 1924, on the above subject. In replying to paragraph 2 (*f*) of your letter No. F.-172/24-Ests., dated the 18th of June 1924, the Punjab Government have already expressed their general agreemen

with the proposition that provision should be made for passages for officers and their families at a cost approximately equivalent to Rs. 50 per mensem for each officer.

2. (1) "Whether the principle of a passage fund is accepted provided no legal difficulties are likely to arise".

The Governor in Council accepts this principle.

(2) "Whether the scale of benefits proposed by the Commission is accepted."

The scale of benefits proposed by the Commission appears to this Government to be suitable, but I am to suggest (*a*) that the term "passage" should be held to include the cost of the journey by land to and from the port of embarkation in India; and (*b*) that a considerable economy could be effected by excluding from the benefit of the scheme unmarried officers of more than seven years' service, who are, in the opinion of this Government, well able to afford to pay for their own passages. A suggestion has been made by a certain service association that on an officer's retirement, the officer and his wife should be allowed extra single passages for their return to Europe in addition to the passages permissible under the scale proposed. The Governor in Council is not, however, prepared to support this claim.

(3) "Whether the value of these benefits should be credited to officers who would be allowed to draw against these credits as suggested in paragraph 6 of the letter of the Government of India".

The procedure contemplated by this proposition commends itself to this Government as suitable.

(4) "Whether the benefits should be confined to officers of non-Asiatic domicile, or whether any concessions should be given to officers of Asiatic domicile".

The Governor in Council is of opinion that the benefits should be confined to officers of non-Asiatic domicile with one exception, which is noted below. He regrets that he is unable to follow the recommendation of the Royal Commission that it should be extended to Indian officers of the Indian Civil Service in receipt of overseas pay, but should not extend to their families. In the first place it appears to the Governor in Council that any such discrimination in favour of a single service is bound to cause much discontent. Secondly, a partial extension of the concession cannot, in his view, be justified. Indian Officers should either be excluded entirely or given the full benefits. In the view of the Governor in Council it is impossible to accept the position that a voyage to England is in the case of Indian Officers absolutely necessary for their bodily and mental recuperation, and experience has shown that in actual practice Indian officers of the Indian Civil Service very seldom revisit England. In any case it is difficult to justify a passage to England in preference to, say, America or Japan. For these reasons the Governor in Council would give Indian officers only travelling expenses to their home in India.

An exception to this principle should, however, be made in favour of European officers of technically Asiatic domicile, who are now in receipt of overseas pay. Many such officers are for practical purposes domiciled in Europe. They send their children to England for education, visit England on leave, and contemplate settling on retirement in England. Their exclusion from the benefits of the passage concession would, in the opinion of this Government, be a hardship.

(5) "Whether the suggested scale of reduction for officers now in service and for wives in the case of future marriages is appropriate".

It has been represented to the Governor-in-Council that the scale of reduction proposed does not confer sufficient benefits on officers now in the service. I am accordingly to suggest the substitution of the following scale for the scale proposed in paragraph 63 of the Royal Commission's report:

Officer's service at the date when the Scheme comes into effect.	Number of return passages for the officer and his wife.
Less than 10 years	4
Over 10 years and less than 20 years	3
Over 20 years and less than 25 years	2
25 years and over	1

With regard to marriages which take place subsequent to the introduction of this system, the Governor-in-Council agrees to the proposal contained in paragraph 9 of your letter, it being understood that the scale of reduction should correspond to any scale approved for officers now in service.

(6) " Whether the suggested restriction on the definition of children is accepted ".

The Governor-in-Council accepts the proposed restriction but would suggest that the term children be taken to include step-children dependent on the officer.

(7) " Whether the proposal to have one fund administered by the Government of India is accepted ".

This proposal is accepted.

(8) " Whether the concession suggested in paragraph12 of the letter of the Government of India for officers who have proceeded home before the 1st of April 1924, but return to India after that date, is approved."

This proposal is approved.

GOVERNMENT OF BURMA.

APPOINTMENT DEPARTMENT.

LETTER FROM MR. F. LEWISOHN, C.B.E., CHIEF SECRETARY TO THE GOVERNMENT OF BURMA HOME AND POLITICAL DEPARTMENT, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, No. 404-A.-24, DATED RANGOON, THE 28TH JULY 1924.

SUBJECT :—*Proposals of the Royal Commission on the Superior Civil Services in India in respect of grant of passages.*

I am directed to convey the views of this Government on the eight points enumerated in paragraph 14 of your letter No. E.-178—12-24-S., dated the 22nd June 1924. This Government is strongly in favour of the principle of a passage fund. It considers that the scale of benefits proposed by the Commission is suitable. This Government is in favour of the solution suggested in paragraph 6 of your letter whereby each officer will be credited with the value of four passages 1st class by B. P. and O. for himself and the appropriate number for his wife and children and allowed to draw against his credit the sums which he actually spends on passages for himself, his wife and his children. The Hon'ble the Finance Member, however, considers that the value of passages by the Bibby line should be credited in the case of officers serving in Burma. The question whether benefits should be confined to officers of non-Asiatic domicile is a difficult one, and there is no doubt that there is much to be said for the suggestion in paragraph 7 of your letter that passages should be granted to officers whose circumstances render periodical visits to England inevitable. There are obviously cases in which an Asiatic member of the Indian Civil Service married to a European wife might have as good a claim for the passage concession as a European member of the Service. There are however almost insuperable difficulties in introducing a criterion of that sort. On the whole, in view of the paramount importance of accepting the Commission's recommendations wherever possible and not whittling them down, the Local Government is of opinion that the concession to Indian officers of the Indian Civil Service, recommended by the Commission in paragraph 63 of the Report, should be accepted as it stands. The Hon'ble the Finance Member, however, is opposed to the acceptance of this recommendation. The Local Government accepts the scale for officers now in the service, suggested by the Commission, and the scale proposed in paragraph 9 of your letter in the case of officers who marry on a date subsequent to the introduction of the scheme. The Local Government accepts the proposals that passage money should be drawn only for unmarried daughters and for sons under the age of 21.

2. The Local Government is strongly in favour of a separate passage fund administered by each Local Government. It is not anticipated that the necessity for financing the initial deficit will be beyond provincial resources. On the other hand each Province is clearly entitled to the financial advantage which will accrue from having the custody of the fund, when the scheme is in full working.

3. The Local Government accepts the proposal made in paragraph 12 of your letter to the effect that any officer (or the family of an officer) who proceeded to England before the 1st April 1924 but returned after that date, should be entitled to draw against his credit the value of a single passage when the return journey takes place, the sum so drawn to be applied in the immediate reduction of any passage advance that may be outstanding against him.

4. The Hon'ble the Education Minister's concurrence in the recommendations made in this letter is subject to the qualifications indicated in my telegram No. 790, dated the 21st July.

GOVERNMENT OF BIHAR AND ORISSA.

APPOINTMENT DEPARTMENT.

LETTER FROM E. L. L. HAMMOND, ESQ., C.B.E., I.C.S., CHIEF SECRETARY TO THE GOVERNMENT OF BIHAR AND ORISSA, APPOINTMENT DEPARTMENT, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, No. 1967-A.R., DATED RANCHI, THE 2ND AUGUST 1924.

SUBJECT :—*Proposals of the Royal Commission on the Superior Civil Services in India regarding the grant of passages.*

I am directed to reply to your letter No. F.-178—12-24-Ests., dated the 2nd June 1924, on the subject of the proposals of the Royal Commission on the superior services in India for the grant of passages to officers and their families when travelling to Europe on leave. The views of the local Government on the points raised in paragraph 14 of your letter are as follows :

(1) The principle of a passage fund is accepted, provided there be no legal difficulties. It appears to be preferable to any of the other alternatives suggested.

(2) The scale of benefits proposed by the Commission is accepted by the local Government.

The Hon'ble Minister, Department of Education, would restrict the concession of free passages to officers themselves and not extend it to their families.

(3) The system proposed in paragraph 6 of your letter appears to His Excellency in Council to offer the simplest solution of the question. It would also seem advisable as proposed in paragraph 8, leave it to officers to draw on the passage fund to meet the cost of passages when it suits them to do so.

(4) The Commission have recommended that the passage concession should be restricted to officers of non-Asiatic domicile, except that it should also be granted to Indian officers of the Indian Civil Service recruited by the Secretary of State who receive overseas pay, in respect of themselves, but not their families. As pointed out by the Government of India, it is difficult to understand why this limited exception was made in favour of a particular service or to justify it. His Excellency in Council considers that it is impossible to make an exception in favour of Indian officers in one particular service. If an exception is to be made at all it would have to be made to the same extent in favour of all the superior services, but the local Government do not think there is sufficient justification for granting this concession to any Indian officers. All such officers in the superior services, who are entitled to overseas pay, will reap considerable advantage from the increases granted in that allowance (though neither that pay nor its increase was primarily designed to meet their necessities), and also from the remittance benefit, where that is applicable, and the local Government are not therefore in favour of making any exception in favour of Indian officers in respect of this additional concession [~

(5) The suggested scale of benefit for officers now in the services and for wives in the case of future marriages, is accepted as appropriate.

(6) His Excellency in Council agrees that it is reasonable to prescribe that passage money should be drawn only for unmarried daughters and for sons under the age of 21.

(7) The proposal that there should be one central passage fund administered by the Government of India, is strongly supported by the Local Government.

(8) His Excellency in Council agrees to the arrangement regarding return passages suggested in paragraph 12 of your letter in respect of officers (and their families) who went home in the last leave season just before the 1st April 1924.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF THE CENTRAL PROVINCES, No. 2887—1287-III, DATED THE 29TH JULY 1924.

I am directed to reply to Government of India letter No. F.-178/12/24-Ests., dated the 22nd June 1924, regarding the proposals of the Royal Commission on the Superior Civil Services in India for the grant of passages to officers and their families when travelling to Europe on leave.

2. *Paragraph 14 of Government of India letter, Point (1).*—The principle of a passage fund is accepted, provided no legal difficulties are likely to arise.

3. *Point (2).*—In its original recommendation to the Royal Commission the local Government recommended the grant of the cost of a second class passage, by the P. & O., for an officer, his wife and children once every four years, the maximum number granted in an officer's service being five return passages, *plus* a single passage on retirement. The local Government now accepts as reasonable the scale of benefits proposed by the Commission.

4. *Point (3).*—The solution proposed by the Government of India in paragraph 6 of their letter, that each officer should be given a certain credit and allowed to draw against that credit, has the advantage of giving elasticity to the concession and is approved by the local Government. The local Government desires to put forward a further suggestion that those officers, who have passage advances outstanding on the 1st April 1924, should be given the option of having the advances refunded and debited to their passage account. This suggestion will come as a relief to a number of officers who have mortgaged their future pay by these advances and will not add to the cost of the concession.

5. *Point (4).*—Regarding the grant of the passage concession to officers of Asiatic domicile, the Association of Indian Officers in this province has submitted the following representation:

> "As the Commission has given no reasons for its recommendations, my Association can only guess the reason that influenced them in recommending that free passages should be granted to Indian Officers of the Indian Civil Service in receipt of overseas pay. The largest number of Indian Officers in the Superior Services in India belong to the Indian Civil Service, and it is in this service that the need of men who are alive to British traditions of service, or who possess a breadth of outlook in administrative matters, is greatest. This consideration no doubt induced the Commission to recommend the extension of the passage concession to Indian Officers of the Indian Civil Service. The latter's claim to equality of treatment with European officers must also have been partially recognised. It will not, my Association thinks, be denied that the general standard of living and the outlook on life of Indians in the Indian Civil Service, which is permanently influenced by their long sojourn in England, make it only natural that they should undertake periodical visits to England not only for the purpose of recuperating their health, but also for keeping in touch with modern British tradition and European thought. My Association is confident that the increase in their efficiency as a result of these visits to England will be more than commensurate with the small additional expenditure that will be incurred by the extending to them of the free passage concession. Further, my Association is unable to understand why the Commission has not recommended any passage concessions for the wives and children of Indian Officers of the Indian Civil Service. This is an anomalous position and my Association considers that this concession should be extended to the wives and children of Indian Officers on the same conditions as those of European Officers. My Association also thinks that similar passage concessions should be extended to all Indian Officers who are in receipt of overseas pay."

The local Government does not consider the case for the grant of the concession to any officer of Asiatic domicile to be strong and is, therefore, unable to support it.

6. *Point* (5).—The suggestions made in paragraph 9 of the Government of India letter, regarding the scale of reduction for officers now in service and for wives in the case of future marriages, are accepted as appropriate by the local Government.

7. *Point* (6).—The restriction of the definition of children, suggested in paragraph 10 of the Government of India letter, is approved by the local Government. The local Government also suggests that no credit should be given for a child in an officer's account until the child has attained the age of 3 years.

8. *Point* (7).—The proposal to have one single fund administered by the Government of India is approved.

9. *Point* (8).—The concession suggested in paragraph 12 of the Government of India letter for officers who have proceeded home before the 1st April 1924, but return to India after that date, commends itself to the local Government.

GOVERNMENT OF ASSAM.

THE GOVERNOR IN COUNCIL.

APPOINTMENT AND POLITICAL DEPARTMENT.
APPOINTMENT BRANCH.

LETTER FROM A. W. BOTHAM, ESQ., C.I.E., I.C.S., CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, No. APPTT.-1114—4252-A.P., DATED SHILLONG, THE 4TH AUGUST 1924.

I am directed to invite a reference to your letter No. F.-178/12/24-Ests., dated the 22nd of June 1924, and to communicate the views of the Government of Assam on the Royal Commission's proposals for the grant of passages to officers and families when travelling to Europe on leave.

(1) The Government of Assam accept the principle of a passage fund on the lines suggested in the first paragraph of your letter, provided that no legal difficulties are likely to arise.

(2) The Assam Association of European Government Servants, whose opinion on the Royal Commission's proposals was asked by this Government, consider that the scale of benefits proposed by the Commission is inadequate, more particularly from the point of view of office 's who have completed one-half or more of their service. It is represented that while the scale proposed by the Commission would be suitable for a term of service not exceeding 25 years, it cannot be said to be adequate for a term of 30 and still less for a term of 35 years, more especially as it is during the latter half of an officer's service that the need for periodic recuperation makes itself most felt. While admitting that most officers do as a matter of fact take leave home oftener than once in seven years, the Government of Assam are not prepared to recommend a more liberal scale than that proposed by the Commission. They would however commend to the favourable consideration of the Government of India a suggestion which has been put forward by the Assam Branch of the Indian Civil Service Association, that, inasmuch as an officer's passage out on joining his first appointment is paid by Government, his final passage home on relinquishing his last appointment should be similarly paid. The Association point out that single passages home for themselves and their families are granted to officers retiring on proportionate pension before the completion of their service, and urge that there are no good reasons for withholding a similar privilege from officers who have loyally adapted themselves to the new conditions and given to the Government of India their full term of service.

The Government of Assam also consider that officers proceeding on leave should be allowed to draw the actual railway fares for themselves and their families to the port of embarkation in addition to the cost of their passages by sea. This is a point of some importance to officers serving in an inland province like Assam.

(3) The Government of Assam agree that the arrangements proposed in paragraph 6 of your letter would provide the simplest solution. It is however observed that both in the Commission's report and in your letter the discussion has been confined to passages to Europe evidently because Europe is the normal destination for the vast majority of

officers of non-Asiatic domicile proceeding on leave. There are, however, in the services a certain number of officers whose homes are in the British Colonies and Dominions. For such officers the Government of Assam consider that the passage concession should take the form of the equivalent of a 1st class B, P. and O. passage to London or the actual cost price of a passage to their colony, whichever is less.

(4) The question whether the proposed benefits should be confined to officers of non-Asiatic domicile, or whether any concession should be given to officers of Asiatic domicile, should in the opinion of the Government of Assam be decided solely by the criterion of domicile. As a general rule officers of Indian birth will have no equitable claim to these benefits, but the Government of Assam would not withhold them from officers who, though of Indian birth, have married an English wife or formed connections in England which have practically changed their domicile.

(5) Subject to the remarks made above regarding the adequacy of the general scale proposed, the Government of Assam consider that the suggested scale of reduction for officers now in service and for wives in the case of future marriages is appropriate.

(6) The Government of Assam are inclined to think that the definition of children proposed in paragraph 10 of your letter is unduly liberal, and would be prepared to agree to the restriction of this concession to children not exceeding 12 years of age, or, as an alternative, it might be provided that in no case should a child receive more than one single half passage.

(7) The Government of Assam support the Government of India's proposal that there should be the central passage fund under the administration of the Government of India.

(8) In the opinion of the Government of Assam the concession suggested in paragraph 12 of your letter for officers who have proceeded home before the 1st of April 1924 is equitable. It has been suggested, however, that in certain circumstances it might not pay an officer to accept this concession, if by such acceptance he lost one of the return passages to which he would otherwise be entitled under the Commission's scheme. The Government of Assam would therefore leave it to the officers concerned to decide whether they should avail themselves of the concession proposed in paragraph 12 of your letter.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

ESTABLISHMENTS.

LETTER FROM THE HON'BLE MR. J. CRERAR, C.S.I., C.I.E., SECRETARY TO THE GOVERNMENT OF INDIA, TO ALL LOCAL GOVERNMENTS, No. F.-178/13/24-ESTS., DATED SIMLA, THE 22ND JUNE 1924.

With reference to my letter No. F.-172/24-Ests., dated the 18th June 1924, I am directed to address you regarding the proposals of the Royal Commission on the Superior Civil Services in India in respect of pensions. At present the same scale of pension is laid down for practically all officers other than officers of the Indian Civil Service and military officers, whether they belong to Superior or Provincial Services. The scale is based on sixtieths of average emoluments of the last 3 years preceding retirement. The maximum pension is earned by 30 years' service at which time a pension of 30/60 of average emoluments is earned, but the scale of sixtieths is restricted by the application of certain maxima. The maximum pension that can be earned at 25 years' service is Rs. 5,000 and the maximum at 30 years' service is Rs. 6,000. The Commission have proposed that the maximum for the pension of 25 years and over should be raised by Rs. 1,000. Thus at 25 years' service the maximum would become Rs. 6,000 instead of Rs. 5,000 and at 30 years' service the maximum would become Rs. 7,000 instead of Rs. 6,000. I am to ask whether the Government of Madras, etc., consider this increase reasonable.

2. As stated above the existing rules apply not only to the Superior but also to the Provincial Services. The Commission was dealing primarily with the Superior Civil Services. It is not stated whether they contemplate that their recommendation should apply also

to any Provincial Service officers who might benefit thereby. The number of such officers would be few. No officer who retires with average emoluments which do not exceed Rs. 1,000 a month could receive any benefit from this concession. The number of officers in Provincial Services whose average emoluments on retirement exceed Rs. 1,000 a month must be very limited. The Government of India would be glad to know whether the Government of Madras, etc., consider that the amendment in the pension rules suggested by the Commission should be introduced as a general amendment or should be specifically restricted to the Superior Services.

3. It will be observed that the proposal of the Commission makes no distinction between European and Indian officers. All officers whose average emoluments on retirement exceed Rs. 1,000 a month would benefit. This conclusion might be supported on the ground that Indians in the Superior Services are by the operation of the present maxima restricted to pensions which appear in reference to their status unfavourable compared with the pensions of Indians in the Provincial Services. I am to ask whether the Government of Madras, etc., accept this view.

4. Officers of the Indian Forest Service, Indian Service of Engineers and certain other services enjoy at present the privilege of retiring after 20 years' service with a maximum pension of Rs. 4,000 a year. The Commission have made no recommendation with regard to this 4,000 rupee pension, presumably holding that there is no reason why Government should facilitate the voluntary retirement of an officer at 20 years' service by increasing his pension. I am to ask whether the Government of Madras, etc., accept the view which was evidently taken by the Commission that the maximum for the 20-year pension should remain at Rs. 4,000, though the maximum for the 25-year pension would be raised from Rs. 5,000 to Rs. 6,000.

5. The pension in the Women's Branch of the Indian Educational Service is governed by special rules. It has been decided that it is not desirable to encourage women to serve in India for more than 25 years. Accordingly the maximum pension for women is fixed at 25 years' service, no subsequent service qualifying for a higher pension. At the same time women are allowed to retire after 20 years' service. The rates of pension are, after 20 years 20-60ths of average emoluments with a maximum of Rs. 4,000 rising each year to 25-60ths after 25 years' service with a maximum of Rs. 5,000. The maxima are by length of service the same as those for the other Uncovenanted Services. The Commission have recommended that this service should receive equivalent benefits to those recommended for the other services. It would therefore appear that the maximum for the 20-year pension should be raised from Rs. 4,000 to Rs. 5,000 and the maximum for the 25-year pension from Rs. 5,000 to Rs. 6,000. The suggestion to raise the 20-year pension in the case of the women's branch of the Indian Educational Service can be differentiated from the suggestion of leaving the 20-year pension of the Indian Forest Service and the Indian Service of Engineers untouched, on the ground that in the one case Government does not wish to encourage retirement at 20 years' service, whereas in the other they have decided that it is reasonable that women should be allowed to retire after a shorter period of service. The 20-year pension in the case of women in fact corresponds to the 25-year pension in the case of men.

6. The proposals of the Commission in paragraph 68 of their Report that members of the Indian Civil Service who attain the rank of Member of Council or Governor of a Province should receive increased pension will be dealt with in a separate letter.

7. The recommendation that the maximum ordinary pension of the Uncovenanted Services from 25 years onwards should be raised by Rs. 1,000 seems to involve a reconsideration of the invalid pension rates. At present these rise steadily by Rs. 200 a year from Rs. 2,000 after 10 years' service up to a maximum of Rs. 4,800 at 24 years' service. Those who have not completed 10 years' service receive only a gratuity. The Commission propose to give a pension after 7 instead of after 10 years' completed service, and they amend the scale from 10 years onwards by the process of adding Rs. 1,000 in each year. It appears that this gives too great an advantage in the earlier years. It would seem that the increase should be added by degrees spread over the whole period. On the other hand it might be suggested that as a proportionate pension is granted after 5 completed years of service, it would not be unreasonable that the invalid pension should commence at 5 years' completed service instead of at 7 as proposed by the Commission. If these suggestions are approved the invalid pension might start at Rs. 1,000 after 5 years'

completed service and rise steadily by Rs. 250 a year up to Rs. 5,750 at 24 years' service. I am to enquire whether the Government of Madras, etc., consider that this scale would be suitable.

8. If the rates of ordinary pension are raised as recommended by the Commission, it is necessary to consider whether the rates of proportionate pension should be proportionately increased. This is a point which has not been dealt with by the Commission. The present proportionate pension for the Uncovenanted Services is based on the assumption that an officer will be likely after 26 years' active service to have earned the full 30-year ordinary pension *plus* the full lower additional pension, *i.e.*, Rs. 6,000 *plus* Rs. 1,500= Rs. 7,500. If the full ordinary pension *plus* the lower additional pension is raised to Rs. 8,500, it may be argued that the new figure should be substituted for the old in the calculations of proportionate pension. The result would be that in paragraph 3 (*d*) of the second schedule of the rules under section 96-B (2) and (3) of the Government of India Act regulating premature retirement on proportionate pension published with notification No. F.-868/22, dated the 1st March 1924 the figure '8500' would be substituted for '7500' and '7000' for '6000' and '9500' for '8500.' Similarly in paragraph 3 (*e*) dealing with relief to the women's branch of the Indian Educational Service Rs. '6,000' would be substituted for Rs. '5,000.'

9. To sum up I am to ask for the opinion of the Government of Madras, etc., on the following points :—

(1) whether the proposal to increase the maximum of the pension of the Uncovenanted Services by Rs. 1,000 from 25 years onwards is approved ;

(2) whether this concession, if approved, should be open to officers other than those of the Superior Services ;

(3) whether the concession should be granted to Indian as well as European officers ;

(4) whether the maximum of the 20 years' pension for the Indian Forest Service and Indian Service of Engineers should remain at Rs. 4,000 ;

(5) whether the maxima for the Women's Branch of the Indian Educational Service should be raised as suggested in paragraph 5 of this letter ;

(6) whether the rates of invalid pension for the Uncovenanted Services should be raised as suggested in paragraph 7 of this letter ;

(7) whether the rates of proportionate pension should be increased as suggested in paragraph 8 of this letter.

10. I am to invite attention to paragraph 31 of my letter No. F.-178/11/24-Ests., dated the 21st June 1924 and to say that in this letter also it must be understood that arguments and practical considerations have been stated only with the object of facilitating discussion, and must not be taken as indicating any expression of views on the part of the Government of India.

11. In view of the great importance of arriving at an early decision on the points discussed in this letter, I am to request that the reply of the Government of Madras, etc., may reach the Government of India not later than the 4th August 1924.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF MADRAS, NO. 602, DATED THE 22ND AUGUST 1924.

In reply to your letter No. 178/13/24-Ests., dated the 22nd June 1924, I am to say that His Excellency the Governor in Council accepts the proposal of the Royal Commission that the maximum pension for a service of 25 years and over should be raised by Rs. 1,000. His Excellency the Governor in Council considers further that the enhanced scale should apply generally, just as the present scale does, both to officers in the Provincial Services as well as to those in the All-India Services. Nor would His Excellency the Governor in Council make any distinction in this matter between Indian and European Officers.

2. Regarding the point raised in paragraph 4 of the letter under reply His Excellency the Governor in Council does not consider that the special pension of Rs. 4,000 a year admissible to officers of the Indian Forest Service and some others should be enhanced

The terms on which invalid and proportionate pensions are now given are liberal and there appear no special reasons why such officers retiring of their own volition after 20 years' service should get an increase in their special pension.

3. In the case of the Women's Branch of the Indian Educational Service, His Excellency the Governor in Council considers that, as the cost of maintenance and education of children is one of the chief items of additional expenditure the proposed increase in pension is intended to meet and as this factor will not operate in the case of pensioners of this branch of the service, no increase in the scale of pension now admissible is required.

4. It is noted that the proposals of the Commission in regard to members of the Indian Civil Service who are appointed Members of Council will be dealt with separately. His Excellency the Governor in Council is compelled however to take this opportunity to point out that the discrimination which the Commission have made in the matter of pensions between the Uncovenanted Services and the Indian Civil Service is entirely unfair to those officers of the Indian Civil Service who entered the service before 1919. The Royal Commission, it is observed, accept £250 a year as the value of the 4% contribution from their salaries paid by Indian Civil Service officers till 1919. On this basis those members of the Indian Civil Service who retire during the next few years will get a pension from the State of certainly not more than £800 a year (allowing for the refund of contributions), with a small lump sum grant, while those officers of other services who retire after holding appointments classed as "Upper Grade" are to receive a pension of £831-5-0. The Islington Commission regarded £1,000 as a suitable pension for the Indian Civil Service; but under the arrangements introduced and in force the pension given by the State to the officers already in the service is smaller in proportion as their service is longer. The illogical and inequitable nature of the arrangement becomes further evident when it is remembered that the increase in the pensions paid by the State is called for by the increase in the present cost of living. Those who required relief most were therefore those who were presently to retire. Instead of dealing with their case, however, the present arrangements give the increased pension in full to officers who retire 20 years hence when prices may well have fallen but little or nothing to those affected by the present high level.

5. His Excellency the Governor in Council considers that the inequality may well be supplied by the grant of an additional pension on a sliding scale, *e.g.*, officers who retired in 1920 should get an extra pension of £250 and those who retired in 1921, £240 and so on, the extra pension diminishing by £10 a year till 20 years hence when an officer retiring will get no enhanced pension. If it is thought undesirable to give any retrospective effect to this relief, it may be made to apply to those only who retire after the 1st April 1924, the amount of the extra pension admissible in 1921-22 being fixed at £200.

6. His Excellency the Governor in Council agrees that the raising of the maximum ordinary pension of the uncovenanted services involves an alteration of the invalid pension rates. Bearing in mind that these pensions are to be admissible to services both Provincial and All-India and to Indians and Europeans alike, there is, I am to say, no sufficient justification in ordinary cases of invaliding for imposing the burden of a pension on the Government in the case of officers of less than 10 years' service. Special cases are provided for by the grant of wound and extraordinary pensions. For 10 years' service therefore, His Excellency the Governor in Council would fix Rs. 3,000 per annum as the maximum pension and would increase this maximum by Rs. 200 for every additional year of service till Rs. 6,000 is reached as the maximum for 25 years' service.

7. If the rates of ordinary pensions are raised as proposed by the Commisson, it follows that the rates of *proportionate* pension must also be raised. His Excellency the Governor in Council agrees in the proposal made in paragraph 8 of the letter under reply to substitute the new maximum limits of pension for the old in the rules relating to proportionate pensions.

8. The views of the Hon'ble the Ministers on the subject of pensions has been stated in their Memorandum forwarded with my letter No. 472/0-1, dated the 23rd July 1924 and in paragraph 8 of that letter the attitude of the Hon'ble Sir Muhammad Habibullah has been stated.

EXTRACT FROM A TELEGRAM FROM THE GOVERNMENT OF BOMBAY, DATED THE 6TH AUGUST 1924.

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62. My telegram of the 6th August regarding your five letters on Lee Commissions Report. Government has arrived following decisions, subject so far as minority concerned to reservation already stated with regard to Secretary of State controlling.

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Letter No. 178-13-24. Questions 1, 3, 4, 6 accepted.

Question 2 not clearly understood. Presumably officers other than those of All-India Services are meant and it covers members of the Bombay Provincial Service holding listed posts and holders of special posts who are entitled to pensions. If so concessions should be extended to them. Questions 5 and 7 not accepted.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF BENGAL, NO. 9301-A., DATED THE 7TH AUGUST 1924.

I am directed to refer to your letter No. F.-178-13-24-Ests., dated the 22nd June 1924, regarding the proposals of the Royal Commission on the Superior Civil Services in India in respect of pensions. In reply to the points summarised in paragraph 9 of your letter, the opinion of the Governor in Council is as follows:—

(1) He approves the proposal to increase the maximum of the pension of the Uncovenanted Services by Rs. 1,000 from 25 years onwards.

(2) This concession should be open to officers other than those of the Superior Services.

(3) The concession should be granted to Indian as well as European officers.

(4) The maximum of the 20 years' pension for the Indian Forest Service and Indian Service of Engineers should be raised to Rs. 4,750 or Rs. 5,000 according as the proposals of the Government of India or of the Royal Commission regarding the rates of invalid pension are accepted, for if the maximum of the 20 years' pension remains at Rs. 4,000 an officer would be able to draw for the same number of years a much larger maximum if he retired on an invalid pension.

(5) The maximum for the Women's Branch of the Indian Educational Service should be raised as suggested in paragraph 5 of your letter.

(6) The rates of proportionate pension should be increased as suggested in paragraph 8 of your letter.

2. The question whether the rates of invalid pension for the Uncovenanted Services should be those as suggested in paragraph 7 of your letter or those recommended by the Royal Commission is still under the consideration of the Governor in Council, and a further reply on this point will be submitted shortly. I am, however, to submit an advance reply on the other points, in order that there may be no avoidable delay.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF BENGAL, NO. 9876-A., DATED THE 21ST AUGUST 1924.

I am directed to refer to my letter No. 9301-A., dated the 7th August 1924. It was stated in that letter that the question whether the rates of invalid pension for the uncovenanted services should be those suggested in paragraph 7 of your letter or those recommended by the Royal Commission, was still under the consideration of the Governor in Council. The Governor in Council has now considered the point and is of opinion that the rates of invalid pension recommended by the Royal Commission should be adopted. It will follow that the maximum of the 20 years' pension for the Indian Forest Service and the Indian Service of Engineers, should be raised to Rs. 5,000.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF THE UNITED PROVINCES, NO. 3763, DATED THE 26TH JULY 1924.

I am directed to reply, on behalf of the Governor in Council, to the Home Department letter No. F.-178-13-24-Ests., dated June 22, 1924. As in previous letters the paragraphs below will refer separately to each head of the summary in para. 9. The reply is

subject to the note of the Hon. Home Member forwarded as an annexure to this Government's letter No. 3328, dated July 8, 1924. A copy of the note* is attached for reference.

(1) "Whether the proposal to increase the maximum of the pension of the Uncovenanted Services by Rs. 1,000 from 25 years onwards is approved."

This is accepted. The inter-dependence of this recommendation with the other proposals contained in chapters VI, VII and XI should be borne in mind.

(2) "Whether this concession, if approved, should be open to officers other than those of the Superior Services."

This the Governor in Council would answer in the negative. It may be safely taken that the Commission's recommendation in this instance was intended to apply only to the superior services. Their enquiry was primarily limited to the superior civil services, and the argument from silence has here no validity. On the merits the Governor in Council would restrict the concession to the superior services. The superior services are paid at higher rates as being employed on more important duties and this fact is sufficient to justify more liberal pension rates. The fact that few officers of the present provincial services would qualify for a rate higher than Rs. 5,000 per annum, does not in itself furnish a compelling reason for the suggested extension of the maxima. The chief consideration however which impresses the Governor in Council is that under the new systems of recruitment for the All-India Services liberal provision is made for the promotion of deserving officers from the existing provincial services. It is clear that in future the best men will not be shut out from the higher rates of pension, and this being so, His Excellency in Council thinks it unnecessary to go further.

(3) "Whether the concession should be granted to Indian as well as European officers."

The Governor in Council would answer this in the affirmative. It would, he considers, be invidious to differentiate in the matter of pension. Such differentiation as is politic already exists in the time scale. Further differentiation, if found at any future time to be necessary, should operate in the direction of bringing basic pay into more exact relation with Indian market rates. Pensions are calculated automatically on pay and on the basis of pay the Governor in Council would treat the pensions of Europeans and Indians alike.

(4) "Whether the maximum of the 20 years' pension for the Indian Forest Service and Indian Service of Engineers should remain at Rs. 4,000."

The Governor in Council sees no reason why the Government should further facilitate the voluntary retirement of an officer at 20 years' service by increasing his pension, especially in view of the fact that officers of this standing are and will be for some time to come eligible for higher rates if they elect to retire on proportionate pensions.

(5) "Whether the maxima for the Women's Branch of the Indian Educational Service should be raised as suggested in paragraph 5 of this letter."

This is accepted. In the Women's Branch of the Indian Educational Service the 20-years pension corresponds with the 25-years pension for men, and the 25-years pension corresponds with the 30-years pension for men. It is only reasonable that the maxima should be raised as suggested.

(6) "Whether the rates of invalid pension for the Uncovenanted Services should be raised as suggested in paragraph 7 of this letter."

The Governor in Council considers the scale suggested by the Government of India to be suitable. It reduces the existing period which qualifies for an invalid pension from ten years to five and provides a reasonable increase in existing rates at every stage. The Commission proposed to reduce the ten years minimum to seven, but did not attempt to grade the resulting pensions otherwise than by adding Rs. 1,000 at every stage. The Governor in Council agrees that the latter is too rough and ready a proposal for adoption and is not justified by the fact that the final pension is to be raised by Rs. 1,000.

(7) "Whether the rates of proportionate pension should be increased as suggested in paragraph 8 of this letter."

These rates are accepted and should follow as a matter of course on the raising of the ordinary and special pension rates.

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* Not printed with this letter.

LETTER FROM THE CHIEF SECRETARY TO THE GOVERNMENT OF THE PUNJAB, No. 18930-GAZ., DATED THE 5TH AUGUST 1924.

I am directed by the Governor in Council to reply to the questions summarised in paragraph 9 of your letter No. 178-13-24-Ests., dated the 22nd of June 1924, on the above subject. In replying to paragraph 2 (*g*) of your letter No. 172/24-Ests., dated the 18th of June 1924, the Punjab Government have already agreed to the general enhancement of the pensions of the uncovenanted services as a necessary but not over-liberal concession.

2. (1) "Whether the proposal to increase the maximum of the pension of the uncovenanted services by Rs. 1,000 from 25 years onwards is approved."

The Governor in Council approves this proposal, but would add that the increase does not err on the side of liberality, and that the recommendations of the Royal Commission with regard to pensions have caused some disappointment in the services concerned.

(2) "Whether this concession, if approved, should be open to officers other than those of the Superior Services."

In the opinion of this Government, it is not necessary to extend this concession to members of the Provincial Services, for which an ample supply of recruits is forthcoming. The Royal Commission's recommendation should be strictly interpreted, and the enhancement of pension should be specifically restricted to the Superior Services.

(3) "Whether the concession should be granted to Indian as well as European Officers."

The concession should be of general application, and should be granted to Indians as well as Europeans.

(4) "Whether the maximum of the 20 years pension for the Indian Forest Service and the Indian Service of Engineers should remain at Rs. 4,000."

The Governor in Council agrees with the view evidently taken by the Royal Commission that the 20 year pension should not be raised to Rs. 5,000. He does not consider that any encouragement should be given to members of the technical services to retire after 20 years' service.

(5) "Whether the maxima for the Women's Branch of the Indian Educational Service should be raised as suggested in paragraph 5 of the letter of the Government of India."

The proposal appears to this Go ernment to be appropriate.

(6) "Whether the rates of invalid pension for the uncovenanted Services should be raised as suggested in paragraph 7 of the letter of the Government of India."

The Governor in Council concurs in the suggestion referred to.

(7) "Whether the rates of proportionate pension should be increased as suggested in paragraph 8 of the letter of the Government of India."

It is clearly fair that proportionate pensions should be calculated on the rates in force for ordinary pensions, and the Governor in Council therefore concurs in this suggestion.

3. In conclusion, I am to invite a reference to paragraph 77 of the report of the Royal Commission, and to say that some anxiety is felt by members of the services with regard to the delay in the establishment of a family pension fund. It is presumed that this matter will be considered by the Government of India in due course.

GOVERNMENT OF BURMA.

APPOINTMENT DEPARTMENT.

LETTER FROM MR. F. LEWISOHN, C.B.E., CHIEF SECRETARY TO THE GOVERNMENT OF BURMA, HOME AND POLITICAL DEPARTMENT, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, No. 404-A.-24, DATED RANGOON, THE 28TH JULY 1924.

SUBJECT.—*Proposals of the Royal Commission on the Superior Civil Services in India in respect of pensions.*

I am directed to convey the views of the Local Government on the seven points enumerated in paragraph 9 of your letter No. 178—13-24, dated the 22nd June 1924.

(1) The Local Government approves the proposal to increase the maximum of the pension of the Uncovenanted Services by Rs. 1,000 from 25 years onwards.

The Hon'ble the Finance Member, however, would restrict the concession to Europeans, while the Hon'ble the Education Minister accepts the proposal with some hesitation on the understanding that no heavy addition be made to the tax-payer's burdens.

(2) The Local Government agrees that this concession should be open to officers other than those of the Superior services.

The Hon'ble the Finance Member, however, is in favour of confining it to the Superior services.

(3) The Local Government agrees that the concession should be granted to Indian as well as European officers. The Commission made no distinction between European and Indian officers in this matter, and to introduce such a distinction now would be to cause justifiable discontent among Indian members of the Services.

The Hon'ble the Finance Member's contrary opinion has been indicated above.

(4) The Local Government agrees that the maximum of the 20 years' pension for the Indian Forest Service and the Indian Service of Engineers should remain at Rs. 4,000.

(5) The Local Government agrees that the *maximum* for the Women's Branch of the Indian Education Service should be raised as suggested in paragraph 5 of your letter.

(6) The Local Government accepts the proposals made in paragraph 7 of your letter in the matter of invalid pensions.

(7) The Local Government is averse from making any immediate alteration in the scale of proportionate pensions, while not prepared to say that the introduction of the Commission's proposals may not make the suggested increase necessary hereafter.

The Hon'ble the Education Minister's concurrence in the views expressed in this letter is subject to the proviso that the proposals as a whole be not found to throw a heavy burden on the tax-payer.

GOVERNMENT OF BIHAR AND ORISSA.

APPOINTMENT DEPARTMENT.

LETTER FROM E. L. L. HAMMOND, ESQ., C.B.E., I.C.S., CHIEF SECRETARY TO GOVERNMENT, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, NO. 1968-A. R., DATED RANCHI, THE 2ND AUGUST 1924.

SUBJECT.—*Proposals of the Royal Commission on the superior civil services in India in respect of pensions.*

I am directed to reply to your letter No. F.-178—13-24-Ests., dated the 22nd June 1924, regarding the proposals of the Royal Commission on the superior civil services in India in respect of pensions. The Government of India have already been informed in paragraph 2 (*g*) of my letter No. 1689-A. R., dated the 22nd July 1924, that as a general proposition, the increase proposed in the pensions of the uncovenanted (Superior) Services appears to the Governor in Council to be both reasonable and justifiable.

2. As regards the specific points raised in paragraph 9 of your letter the opinion of the Local Government is as follows:—

(1) The proposal to increase the maximum of the pension of the uncovenanted services by Rs. 1,000 from 25 years onwards is approved.

The Hon'ble Minister for Education, who is generally opposed to any increase in pension, considers the proposed increase to be excessive.

(2) His Excellency in Council is opposed to any extension of the concession of an increase beyond the range of officers for whom it was intended by the Royal Commission, that is, the superior or All-India services which are uncovenanted. The main object of the Commission's proposals is to raise the remuneration (including pension) of those services to a level which will keep existing members (more particularly European members) contented, and which will attract an adequate supply of suitable recruits. An increase in the pension of the previously existing provincial services goes beyond the scope of this object. The pay and pension of these services are adequate at present to secure a satisfactory class of recruit and there appears no need to increase either. It may be true that at present rates of pay the number of provincial officers who would benefit is few, but the number may

rapidly increase in the future, and the local Government are opposed to any unnecessary change which will increase the burden of service charges. His Excellency in Council is of opinion, therefore, that the proposed increase of pension should be kept as strictly limited as possible, so that as Indianization and provincialization proceed, the general cost of the services will tend to diminish.

(3) For the same reasons the Governor in Council would limit the proposed increase of pension to existing Indian members in the Superior Services who are in receipt of overseas pay. Any differentiation between them and their European colleagues would be undesirable. In their case the principle of equal pension equal pay should be followed. But there appears to be no justification for extending the concession to those Indian recruits who may have been taken into the services in question on a lower scale of remuneration, *i.e.*, on basic pay without overseas allowances, nor to future Indian entrants into the reserved superior services, who will not get overseas pay, and may, if the opinion of the local Government be followed, be recruited on reduced basic pay. Future entrants, whether Indian or European, to the superior services which are now proposed to be transferred should, in the matter of pension, remain on the same basis as the existing provincial services, subject to any modifications which the local Government may find necessary to attract recruits of a particular class.

(4) His Excellency in Council considers that the maximum of 20 years' pension for the Indian Forest Service and the Indian Service of Engineers should remain at Rs. 4,000. It may be anomalous that this rate will be considerably lower than the revised invalid pension rates, and the result may be to destroy the value of the concession of retirement after 20 years' service, but on the general ground that there is no need to facilitate premature retirement, this result is not to be deprecated.

(5) The local Government accept the proposed increases of maxima in the case of the women's branch of the Indian Educational Service but would confine this concession, as suggested generally in dealing with paragraph 9 (3) of your letter, to the existing European members of the service and those Indian members who draw overseas pay. It is unnecessary to extend the concession to future entrants into the service after it has been provincialized.

(6) His Excellency in Council considers the scale of invalid pensions suggested in paragraph 7 of your letter to be preferable to that proposed by the Commission. The latter appears to him to be too generous in the earlier years, and he deprecates the introduction of any change which will stimulate premature retirements.

I am to mention two points in this connection for the consideration of the Government of India:—

(*a*) No reference is made to compensatory pensions granted on the abolition of appointments. The local Government consider that any such pension should be subject to the same limits as ordinary pensions.

(*b*) It follows from the opinion expressed in sub-paragraph (2) above that the local Government are not in favour of any general alteration in the scale of invalid pensions for the existing provincial services, but the question whether such pensions should commence at the completion of five years' service is one that may be considered separately on its merits.

(7) His Excellency in Council is definitely opposed to any increase in the existing scale of proportionate pension on premature retirement, as being likely to defeat one of the chief objects of the recommendations of the Royal Commission which was to retain the services of European officers. He considers the existing scale of proportionate pension to be sufficiently generous, and would deprecate any increase likely to stimulate the flow of retirement. Any such proposal would certainly be strongly resented by the Indian public.

Nor does he consider that the scale of proportionate pension should be increased in the event of future changes such as are contemplated in paragraph 74 (*v*) (*c*) of the report, although it is possible that the option of taking such a pension might have to be extended to some to whom it is not at present available. Under such circumstances the officers concerned will be in the same position as officers belonging to services which are now proposed to be transferred.

The existing rates of proportionate pension up to the 24th year of service are considerably higher than the new rates of invalid pension proposed by the Government of India.

In the case of all voluntary retirements therefore proportionate pensions might be stereotyped at the existing standard, whether for the existing members of the service or for future entrants. The case of compulsory retirement stands on an entirely different footing. In that case the terms must be settled by the Secretary of State for all officers who are entitled to his protection, according to the merits of the case.

LETTER FROM A. E. NELSON, ESQ., C.I.E., O.B.E., I.C.S., CHIEF SECRETARY TO THE GOVERNMENT OF THE CENTRAL PROVINCES, No. 2802—1288-III, DATED THE 23RD JULY 1924.

I am directed to reply to Government of India letter No. F.-178-13-24-Ests., dated the 22nd June 1924, in which the opinion of the local Government is desired on the proposals of the Royal Commission on the Superior Civil Services in India in respect of pensions.

2. *Point 1. Increase in the pension rates of the Uncovenanted Services.*—Although the increase in the pension rate now proposed is slightly less than that suggested by this Government in its recommendation to the Royal Commission, the local Government accepts the revised rates as suitable. I am to add that for European officers the local Government regards this as one of the most essential recommendations in the Report.

3. *Point 2. Grant of the increased pension rate to officers other than those of the superior services.*—The Government of India desire to know if the local Government approves of the grant of the concession of an increased rate of pension to officers other than those of the superior services. The number of provincial officers outside the superior services who would benefit by the increase is small in this province, and for the reasons stated by the Government of India the local Government would have no objection to the amendment in the pension rules suggested by the Commission being introduced as a general amendment, instead of being specifically restricted to the superior services.

4. *Point 3. Grant of the increased pension rates to Indian members of the service.*—The local Government considers that the rupee rates proposed are not excessive for Indian officers, who even on retirement are expected to keep up some position. The local Government, therefore, accepts the view of the Commission that no distinction in this respect should be made between European and Indian officers.

5. *Point 4. Retention of the present maximum of 20 years' pension for the Indian Forest Service and Indian Service of Engineers.*—The local Government agrees that there is no reason why Government should facilitate the voluntary retirement of an officer at 20 years' service by increasing his pension and accepts the view of the Commission that the maximum for the 20' years' pension for the Indian Forest Service and Indian Service of Engineers should remain at Rs. 4,000.

6. *Point 5. Increase in pension rates for the Women's Branch of the Indian Educational Service.*—For the reasons given by the Government of India, the local Government accepts the proposal that the maxima for the pension of the Women's Branch of the Indian Educational Service should be raised from Rs. 4,000 to Rs. 5,000 after 20 years' service and from Rs. 5,000 to Rs. 6,000 after 25 years' service.

7. *Point 6. Rates of increased pension for the Uncovenanted Services.*—The local Government considers that the scale of invalid pension suggested for the Uncovenanted Services in paragraph 7 of the letter of the Government of India is suitable.

8. *Point 7. Increase in the rates of proportionate pension.*—The local Government agrees that the rates of proportionate pension should be increased as suggested in paragraph 8 of the Government of India letter. As the pension is compensation for enforced retirement, it should, the local Government considers, be fixed with reference to the pension that would be earned if the officer were able to remain in service.

GOVERNMENT OF ASSAM.

GOVERNOR IN COUNCIL.

APPOINTMENT AND POLITICAL DEPARTMENT.

APPOINTMENT BRANCH.

LETTER FROM A. W. BOTHAM, ESQ., C.I.E., I.C.S., CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, No. APPTT.—1145-4257-A.P., DATED SHILLONG, THE 4TH AUGUST 1924.

In reply to your letter No. F.-178-13-24-Ests., dated the 22nd of June 1924, I am to communicate the views of the Government of Assam on the Royal Commission's proposals in respect of pensions.

(1) The Government of Assam agree that the maximum of the pension of the uncovenanted services should be increased by Rs. 1,000 per annum from 25 years onwards.

(2) The extension of this concession to officers of the Provincial services may be left to local Governments. It would only complicate the issues to go beyond the All-India Services in the present connection.

(3) The Government of Assam consider that this concession should be given to Indian as well as to European officers of the All-India Services.

(4) In the opinion of this Government the maximum of the 20 years' pension for the Indian Forest Service and the Indian Service of Engineers should remain at Rs. 4,000.

(5) No member of the Women's Branch of the Indian Educational Service is at present employed in Assam and the local Government have no opinion to offer on this point.

(6) The Government of Assam see no reason for raising the rates of invalid pension for the uncovenanted services as suggested in paragraph 7 of your letter.

(7) Nor do they consider that there is any justification for raising the rates of proportionate pension as suggested in paragraph 8.

In connection with the general subject of pensions, a representation received from the Assam Association of European Government Servants is submitted.

ASSAM ASSOCIATION OF EUROPEAN GOVERNMENT SERVANTS.

LETTER FROM THE HONORARY SECRETARY, ASSAM ASSOCIATION OF EUROPEAN GOVERNMENT SERVANTS, TO THE CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM, DATED SHILLONG, THE 10TH JULY 1924.

I am directed by the Council of this Association to acknowledge the receipt of your Memorandum No. Appt.-938-3741-54, dated the 28th June 1924, with which you forward for an expression of this Association's opinion, a copy of letter No. F.-178-13-24, dated the 22nd June 1924, from the Government of India, regarding the proposals of the Royal Commission on the Superior Civil Services in India, in respect of pensions. In this connection, I am to invite a reference to the evidence on this subject, placed before the Commission by this Association, and by all Associations representing the Uncovenanted Services. I am to say that the proposals of the Royal Commission on this matter are totally inadequate, and are by no means acceptable to this Association. Except in the case of the Indian Civil Service it is, I am to say, considered quite impossible to justify the disparity which exists, between the pension scales of the so called Uncovenanted Services and those of the Indian Army and the Indian Medical Service. These services are recruited from the same classes and have the same expenses on retirement. Further, the argument in favour of technical or professional Services cannot be adduced as an argument for the retention of this disparity, as, included among the Uncovenanted Services, there is at least one highly technical Service, namely, the Indian Service of Engineers, appointment to which is preceded by an expensive and long specialised education. I am further to point out, that the ordinary pension for service up to 25 years,

was fixed as long ago as 1855, and, in Indian currency, remains the same to this day. But the sterling value of the ordinary pension has actually depreciated. Certain small additional pensions for service in certain administrative posts have been added; but, with respect to the ordinary pension, (and the prospects of members of this Association reaching administrative rank were never worse than they are at present), the officer who retires before completing 29 years' service, receives a smaller sterling pension than did his predecessor nearly 70 years ago, while he who completes 30 years' service is only 5 per cent. better off. Pension is deferred pay; yet the ratio of pensions to pay has steadily declined during the period when pay itself has depreciated in relation to the cost of living. All that the Royal Commission proposes to do to alleviate this extraordinary situation is to add Rs. 1,000 per annum to the pension at 25 years and onwards.

With regard to paragraph 9 of the Government of India's letter, I am to reply as follows:—

(1) The proposed increase for the Uncovenanted Services is totally inadequate as we have already pointed out in paragraph (*iv*) of my letter of June the 11th. It is a matter for regret, that the Royal Commission have not even mentioned our request, that pensions should be fixed in sterling as is the case with the Indian Civil Service, Indian Medical Service and Military pensions. As regards additional pensions (lower and higher grade) the Royal Commission propose to leave them as before, and have also absolutely ignored our very fair request that the addition should be calculated on each month's service in a scheduled post. The existing system, which renders valueless for this purpose any period short of a completed year, is most unjust. As already pointed out, undue stress has been laid upon these extra pensions for administrative posts, as if the majority of officers could expect to qualify for them. I am to point out that it is the ordinary pension which cries for adjustment, as very few officers now in Service can hope to earn these extra pensions in view of the rapid provincialisation and abolition of such posts. Our arguments in support of the requests we made are on record, and in our opinion are unanswerable. We regard the question of the amount and security of pensions as among the most important items in our case; and yet it seems to have received less consideration than any other. Sir Reginald Craddock, in paragraph 41 of his 3rd Minute, admits the urgency of the question, and seems to have committed a deliberate *meiosis* in saying, "the recommendations in our Report appear to me to be very moderate"; and we are justified in inferring that he regards them as considerably less than just."

(2) My Association is of the opinion that whatever pension increases are allowed to the Superior Services should be allowed proportionately to Provincial Services.

(3) In regard to Indian officers, this Association would prefer not to commit itself to an expression of opinion. Our demands for Europeans were made, as already stated, on the basis of actual needs: and we do not know the actual needs of Indians which would justify the increased expenditure.

(4) Although the Royal Commission in making their proposals for an increase of Rs. 1,000 to the 25 years' pension, have not specifically stated that this increase should also be allowed on the 20 years' pension, it appears to this Association to follow logically that this was the intention, as in the proposals for invalid pensions the Commission have suggested an invalid pension Rs. 5,000 at 20 years' service. In any case, however, I am to say that this Association holds most emphatically that any increase granted on the 25 years' pension should be proportionately allowed on that permissible at 20 years' service, for the Services referred to. This right of retirement at 20 years in these Services is a very highly prized privilege. When some years ago, the Secretary of State proposed to withdraw it, as a condition of acceptance of the then new pension scale, such an emphatic protest was made that the condition had to be omitted.

(5) I am to say that the reply of this Association in this connection is in the affirmative.

(6) This Association agrees with the general principle that there should be an increase in Invalid Pensions, *pro rata* with the increase in Retiring Pensions.

(7) To this Association it appears that it must follow logically and necessarily, that Proportionate Pensions must increase *pro rata* with the increased rate of ordinary Retiring Pensions.

In connection with the question of pensions, I am desired to enquire whether separate communications may be expected on the subjects of Extraordinary Pensions, Provident Fund, Family Pension Fund and Commutation of Pensions, and also regarding the pension security question, as in respect of all these, this Association desires to be heard.

M173LA—1252—10-9-24—GIPS

LEGISLATIVE ASSEMBLY.

Wednesday, 10th September, 1924.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

MEMBER SWORN.

Maulvi Badi-uz-Zaman, M.L.A. (Bhagalpur Division : Muhammadan).

QUESTIONS AND ANSWERS.

TENDERS FOR THE SUPPLY OF BRITISH PORTLAND CEMENT FOR THE SOUTH INDIAN RAILWAY.

1695. ***Sir Purshotamdas Thakurdas :** (*a*) Has the attention of Government been drawn to an advertisement by the South Indian Railway calling for tenders on or before 25th July 1924 for three thousand barrels of first class British Portland cement ?

(*b*) If the reply to the above be in the affirmative will Government be pleased to say whether the South Indian Railway has failed to find amongst the various manufactures of cement in India, quality suitable for their purpose ?

(*c*) Are Government aware that many Departments of the Central and Provincial Governments have found Indian cement to be of the quality they require, and will Government be pleased to state why the South Indian Railway is asking for tenders for British Portland cement to the exclusion of Indian cement ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) Before they received notice of the question, the Railway Board wrote to the Railway Company concerned and inquired why they had considered it necessary to specify British Portland cement. They have now ascertained, in the first place, that the engineers of the Railway prefer British cement as in their experience it is more uniform in quality. The point here of course is whether Indian cement is sufficiently good for their purposes, and this point will be taken up with the Agent. Secondly, as regards Northern India cement, it is more expensive than British cement

and, in addition, it is packed in bags instead of barrels. The result is that there is risk of loss in transit, and moreover the cement is more apt to deteriorate in the damp climate of the South Indian area.

(c) The Government of India are aware of course that many Departments of Government have found Indian cement to be sufficiently good for their purposes and that is the very reason why they took up the matter with the South Indian Railway. They are inclined to think that the question of packing is one of great importance in connection with the extended use of Indian cement on Indian Railways, and this is a point on which the Tariff Board's report on the cement industry will no doubt throw considerable light.

Sir Purshotamdas Thakurdas : Are Government aware that the Alipore Test House have declared that certain varieties of Indian cement are as good as British cement, if not better ?

Mr. A. A. L. Parsons : Yes.

Sir Purshotamdas Thakurdas : Have they brought that to the notice of the Agent concerned ?

Mr. A. A. L. Parsons : No.

Sir Purshotamdas Thakurdas : Will they do so, which will knock out the ground that the Railway bought British cement because it was superior to Indian cement ?

Mr. A. A. L. Parsons : Certainly.

Mr. K. Ahmed : Do they propose to consult the Tariff Board on the subject ?

Mr. A. A. L. Parsons : We are awaiting a further report.

Mr. K. Ahmed : Would it not be advisable to inquire from them now and ask for their opinion on the subject because it will take a longer time before acceptance of tenders ?

Sir Purshotamdas Thakurdas : Are Government aware that for commercial purposes in Southern India Indian cement is being used ?

The Honourable Sir Charles Innes : I am aware of that fact.

Sir Purshotamdas Thakurdas : Therefore, the ground of deterioration due to the damp climate of Southern India does not hold good ?

The Honourable Sir Charles Innes : That depends upon the quantity required and the amount kept in stock.

Sir Purshotamdas Thakurdas : What is the average quantity kept by the Railway concerned ?

The Honourable Sir Charles Innes : I am not aware of that.

Sir Purshotamdas Thakurdas : Would that not be relevant to know when Government talk about the dampness of the South ?

The Honourable Sir Charles Innes : I have already told the Honourable Member, through Mr. Parsons, that we are taking up this question with the South Indian Railway.

PILGRIM TRAFFIC ON THE BARSI LIGHT RAILWAY.

1696. ***Sir Purshotamdas Thakurdas** : (*a*) Will Government be pleased to state the number of passengers carried by the Barsi Light Railway to Pandharpur and back from Pandharpur every year ?

(*b*) Will Government be pleased to state the normal volume of this traffic from month to month during the last three years ?

(*c*) Are Government aware that goods wagons are freely used for the transport of pilgrims to Pandharpur ?

(*d*) Will Government be pleased to state the number of third class passenger carriages available for the transport of pilgrims to Pandharpur over the Barsi Light Railway ?

(*e*) Are Government aware that the Pilgrim Committee recommended the stoppage of this practice as early as practicable, and will Government be pleased to state why they have not pressed this successfully on the Barsi Light Railway till now ?

(*f*) Will Government be pleased to state the charge that the Barsi Light Railway makes for the transport of third class passengers from Kuruduwadi to Pandharpur ?

(*g*) Is it a fact that the Barsi Light Railway charge the maximum rate that is permissible ?

(*h*) Will Government be pleased to state the dividend declared by the Barsi Light Railway during the last five years ?

Mr. A. A. L. Parsons : (*a*) and (*b*). A statement showing, month by month, the number of passengers carried to and from Pandharpur during the last three financial years is laid on the table.

(*c*) Government are aware that goods wagons are used when there is a heavy rush of pilgrims during the principal fairs at Pandharpur, but these wagons are fitted with seats and electric lights.

(*d*) The number is 34.

(*e*) Yes. The problem on this Railway is a difficult one. The Honourable Member will see from the statistics laid on the table that the pilgrim traffic comes in rushes in July and November. In July the average number of passengers carried during the last 3 years was 137,441 ; in November it was 69,545. In the remaining months of the year, the average was only 31,224. Thus if the Barsi Light Railway were to provide coaching stock sufficient to deal with the maximum pilgrim traffic, they would have to quadruple their present complement of 3rd class carriages, and in the result, about 75 per cent. of such carriages would be idle for over 10 months in the year. In the circumstances, and in view of the improved accommodation mentioned in (*c*) above, Government have not taken any action in the matter.

(*f*) The charge is 10 annas and 9 pies.

(*g*) Yes.

(*h*) The dividend has been 6 per cent. with a bonus of 2 per cent. in 1918-19 and a bonus of 6 per cent. per annum in the subsequent four years.

Statement showing the number of outward and inward passengers carried at Pandharpur during the period of the last three years month by month, as shown below.

Month.	YEAR ENDING 31-3-1922.		YEAR ENDING 31-3-1923.		YEAR ENDING 31-3-1924.	
	Outward No.	Inward No.	Outward No.	Inward No.	Outward No.	Inward No.
April	22,063½	22,318	26,547	24,212	12,290	11,349
May	14,193	13,635	12,211	14,520½	18,246½	20,180½
June	13,583½	15,440	12,460½	30,811	14,022½	14,889½
July	65,097	64,681	64,640½	53,272	78,445	86,188
August ..	18,711	11,776	12,428½	11,714½	11,197½	9,384½
September ..	8,208	7,985	8,916½	11,632½	9,323½	8,586
October ..	13,982	17,843	19,308½	42,838	12,172	11,318½
November ..	39,085½	33,005	40,552	13,206	42,533	40,256½
December ..	12,410	16,336½	12,658½	10,588	15,964½	15,881
January ..	13,248	15,809½	15,205½	17,743½	11,976½	13,974
February ..	19,077½	20,007	10,561	10,801½	21,342	23,602½
March ..	13,654½	15,432	18,076	19,410	16,338	16,650
Total ..	253,313½	254,268	253,565½	260,749½	263,851	272,260

Monthly average.

April	39,500	October	39,153
May	30,995	November	69,545
June	33,735	December	27,945
July	137,441	January	29,318
August	25,066	February	35,130
September	18,216	March	33,186

Sir Purshotamdas Thakurdas : It means the dividend, together with the bonus, comes to between 8 to 12 per cent. ? Am I correct in putting it like that ?

Mr. A. A. L. Parsons : The dividend with the bonus works out to 12 per cent.

Sir Purshotamdas Thakurdas : Do not the Government think that this is rather an exorbitant rate of earning in any railway in India ?

The Honourable Sir Charles Innes : I may say that since that answer was drafted, we have had a communication from the Honourable Member himself, and that communication has been forwarded to the Agent, who will take the matter up with him.

Sir Purshotamdas Thakurdas : Are the Railway Board convinced from my communication that they must move on now ?

The Honourable Sir Charles Innes : The Honourable Member's communication indicated that there was a case for the Agent, and an inquiry has been begun.

Sir Purshotamdas Thakurdas : This case was made out by the Pilgrims' Committee some years back.

The Honourable Sir Charles Innes : That is a matter for argument.

Sir Purshotamdas Thakurdas : All that I will say is that I have not put in my note anything in addition to what the Pilgrims' Committee brought to the notice of the Railway Board more than six years back.

Diwan Bahadur M. Ramachandra Rao : The Pilgrims' Committee objected to the conveyance of passengers by goods wagons. May I ask what action has been taken by the Railway Board in connection with that matter ?

The Honourable Sir Charles Innes : The whole question was discussed in the Council of State two years ago, and as a result all railways were addressed on the subject. They were asked to abolish this practice altogether, if possible ; at any rate, to reduce it as much as possible. Those instructions have been fully observed in all the railways ; some have been able to do away with the use of goods wagons altogether ; in others it has not proved possible for the reasons indicated in the reply given to this particular question.

TRANSFER OF THE ADMINISTRATION OF THE SALT DEPARTMENTS IN ORISSA TO THE NORTHERN INDIA SALT REVENUE DEPARTMENT.

1697. ***Mr. Devaki Prasad Sinha** : (*a*) Will the Government be pleased to state the necessity for maintaining two separate Salt Departments in the Province of Bihar and Orissa,—one directly under the Government of India, and the other under the control of the Local Government ?

(*b*) Is there any other Province in India where two separate Salt Departments are maintained ?

(*c*) If the answer to the above is in the negative, will the Government be pleased to state what special necessity exists in Bihar and Orissa for the upkeep of two Salt Departments ?

(*d*) Are the Government prepared to take early steps, in order to place all salt operations in the Province of Bihar and Orissa under the control of the Government of India ? If so, will Government be pleased to give some definite date on which these changes will take effect ?

The Honourable Sir Basil Blackett : The question of transferring the administration of the Salt Department in Orissa to the Northern India Salt Revenue Department under the control of the Central Board of Revenue is under consideration ; and I hope that the matter will be settled shortly.

REVISION OF THE INDIAN RAILWAYS ACT, 1890.

1698. ***Diwan Bahadur M. Ramachandra Rao** : Will the Government be pleased to state whether there is any intention to undertake a general revision of the Indian Railways Act, 1890, in the near future ?

Mr. A. A. L. Parsons : It is intended that the question whether a revision of the Indian Railways Act, 1890, should be undertaken, should be examined by the President of the proposed Rates Tribunal. Government are in correspondence with the Secretary of State regarding the establishment of the Tribunal.

Diwan Bahadur M. Ramachandra Rao : May I ask when this Tribunal is likely to be appointed ?

Mr. A. A. L. Parsons : I am afraid I cannot state the exact date. Government are still in correspondence with the Secretary of State.

Diwan Bahadur M. Ramachandra Rao : You cannot say even approximately ?

Mr. A. A. L. Parsons : No.

IMPOSITION OF CERTAIN CONDITIONS ON FOREIGN INSURANCE COMPANIES OPERATING IN INDIA.

1699. ***Sir Purshotamdas Thakurdas** : (*a*) Will Government be pleased to state how many foreign insurance companies (fire, life, marine, accident) were closed in India on the outbreak of the war as being insurance companies with head offices in Germany or Austria ?

(*b*) Will Government be pleased to state how many foreign, (*i.e.*, non-Indian insurance companies) have been working either as branches or through agencies in India since 1914 ?

(*c*) Will Government be pleased to state if it is their intention to introduce a bill in the Assembly making it compulsory for all insurance companies to—

(*i*) deposit a certain amount before they are allowed to start work here,

and

(*ii*) invest a certain proportion of the premium income in India.

(*d*) Are Government aware that conditions such as those mentioned in (*c*) above are compulsory before an insurance company is allowed to work in most other important countries in the world, and if so, will Government be pleased to state the reasons why they have not enforced similar conditions in India before allowing non-Indian companies to start work in India ?

The Honourable Sir Charles Innes : (*a*) 24 Agencies doing insurance business in India and having Head Offices in Germany or Austria were ordered to be closed during the war under the Enemy Trading Act, 1916.

(*b*) The number of Insurance Companies incorporated elsewhere than in India but working in India at the end of the year 1922-23 was 127.

(*c*) Government propose shortly to introduce an Insurance Bill to make provision for the deposit of securities by all Insurance Companies working in India and other matters, but the precise scope of the Bill has not yet been finally settled.

(*d*) Government are aware that the condition in part (*c*) (*i*) of the question is compulsory in most important countries. They are not aware that it is usual for the law to make provisions on the line suggested in part (*c*) (*ii*), but in some countries the law prescribes that insurance companies, particularly life insurance companies, must hold assets in the country equivalent to the amount of their liabilities. One reason why Government have not enforced similar conditions in India is that there is at present no law by which they could do so.

Sir Purshotamdas Thakurdas : When do Government expect to introduce this Bill ?

The Honourable Sir Charles Innes : That I cannot say, but I hope that I will be able to circulate it for opinion quite shortly.

Sir Purshotamdas Thakurdas : Thank you. It looks satisfactory.

DATE OF EXPIRY OF THE SOUTH INDIAN RAILWAY CONTRACT.

1700. *Haji S. A. K. Jeelani : Will the Government be pleased to state :

(a) when is the contract with the South Indian Railway Company to expire,

(b) what do the Government propose to do after the expiry of the contract ?

Mr. A. A. L. Parsons : (a) The Secretary of State has the option of terminating the contract with the South Indian Railway Company on the 31st December 1945 or at the end of any succeeding fifth year.

(b) Government have not considered the question which will not arise for over 20 years.

PROVISION OF INTERMEDIATE CLASS ACCOMMODATION ON ALL LONG DISTANCE TRAINS ON THE SOUTH INDIAN RAILWAY.

1701. ***Haji S. A. K. Jeelani** : Are the Government aware that on the South Indian Railway there is no provision for intermediate class in trains other than mail trains ? Are the Government prepared to advise the company to provide intermediate class on all long distance trains ?

Mr. A. A. L. Parsons : The answer to the first part of the question is in the affirmative. With regard to the second part Government are informed that intermediate class accommodation is not provided on passenger trains, as there is no demand for it.

Sardar V. N. Mutalik : What steps have been taken by Government to ascertain that there is no demand for intermediate class accommodation ?

Mr. A. A. L. Parsons : We were informed that there was no demand for it by the Agent.

OVERCROWDING OF THIRD CLASS PASSENGERS IN MAIL TRAINS ON THE MADRAS AND SOUTHERN MAHRATTA AND SOUTH INDIAN RAILWAYS.

1702. ***Haji S. A. K. Jeelani** : Are the Government aware of the trouble that third class passengers are put to in the mail trains both on the Madras and Southern Mahratta Railway and the South Indian Railway owing to overcrowding ? Are the Government prepared to advise the Company to remove overcrowding by strictly enforcing the rule as to limit of Passenger, or by some other means as are open to the Railway companies ?

Mr. A. A. L. Parsons : No. This question has been carefully examined by the Railway Administrations concerned and it has been found that, with the exception of two trains, the average number of passengers travelling is less than the number of seats provided.

Rules are in force with the object of preventing overcrowding and in the circumstances Government do not propose to take any action.

STRIKE ON THE SOUTH INDIAN RAILWAY.

1703. *Haji S. A. K. Jeelani : Will the Government be pleased to state :

(a) What is the origin of the strike on the South Indian Railway in June last ?

(b) What was the cause of the recommendation of the Railway Board to effect a retrenchment of one lakh of Rupees ?

(c) What was the amount of dividend declared and paid to the company's shareholders last year ?

(d) What was the approximate amount of loss sustained by the company owing to the strike ?

(e) What is the liability of the company to the public in the event of a strike being declared suddenly ?

(f) Has any complaint been received from passengers who had suffered by the strike or any case been filed for damages ?

Mr. A. A. L. Parsons : (a) There were two separate strikes, one of firemen and the other of the shop staff of the Podanur shops. The origin of the former was explained in a reply given on the 11th June 1924 to Diwan Chaman Lall. The reasons which led to the strike in the latter case are obscure, but it seems to have been to some extent connected with an order of the Civil authorities prohibiting Dr. Naidu from going to Podanur to preside at a meeting for the formation of a Labour Union.

(b) The South Indian Railway Company was asked in common with other Railways to investigate and give effect to any practical measures which would result in economy in expenditure on working expenses. The Railway Board did not recommend or suggest any figure by which the expenditure should be retrenched.

(c) The dividend paid in 1924 is not known yet but it was 8 per cent. including guaranteed interest at 3½ per cent. during the three years prior to 1924.

(d) Government have no information and it is not proposed to call for any as it is difficult to calculate even approximately the losses suffered by Railways due to strikes.

(e) A Railway Company's liability consists in providing the best service possible under the conditions obtaining.

(f) No complaints or suits of this nature have come to the notice of Government.

Mr. Chaman Lall : May I know whether any cases brought against the strikers have been withdrawn ?

Mr. A. A. L. Parsons : Will you give me notice please ?

CANTONMENTS IN INDIA.

1704. *Haji S. A. K. Jeelani : Will the Government be pleased to lay on the table a statement showing (1) the total number of cantonments (2) the total population living in each cantonment according to the latest census report (3) the income of each during the last financial year, and (4) the nature of its administration, namely, whether administered by the Board or Officer Commanding ?

Mr. E. Burdon : I will furnish the Honourable Member separately with a statement containing the information which he desires.

Khan Bahadur W. M. Hussanally : Is such a statement not for the benefit of the House ?

Mr. E. Burdon : I did not think it would be of general interest, therefore I thought it was not desirable to go to the expense of having it printed up for the proceedings.

Khan Bahadur W. M. Hussanally : I think the information should be laid on the table for the information of the House.

Mr. E. Burdon : If a number of Honourable Members desire to have this information printed up, of course it can be done.

1705. (This question was answered† on the 8th September.)

GRANT OF FREE RAILWAY PASSES TO MEMBERS OF THE LEGISLATIVE ASSEMBLY.

1706. ***Haji S. A. K. Jeelani :** (*a*) Was it ever interpellated in the Assembly that Government should encourage by granting free Railway passes, to the Members of the Assembly to tour in their respective constituencies to ascertain their needs and requirements once a year ?

(*b*) If the answer is in the affirmative will the Government be pleased to furnish a copy of the answer and if in the negative to state whether the Government have been aware of such feeling among the Members of the Assembly now ?

The Honourable Sir Alexander Muddiman : (*a*) The answer is in the negative.

(*b*) Government have no information on the subject.

REPORT OF THE INDIAN BAR COMMITTEE.

1707. ***Haji S. A. K. Jeelani :** (*a*) What action have the Government so far taken or do they propose to take on the Report of the Indian Bar Committee ?

(*b*) What is the total amount of expenditure the Government had to incur on account of that Committee and how was that amount distributed ?

The Honourable Sir Alexander Muddiman : (*a*) The Honourable Member is referred to the answer given to Khan Bahadur Sarfaraz Hussain Khan's question No. 1267 on the 5th June 1924.

(*b*) The accounts of the Committee have not yet been finally adjusted, but as stated in the Home Department Resolution published along with the report, the estimated expenditure of the Committee, including that incurred in the printing of the Report, was Rs. 1,17,000.

Mr. K. C. Neogy : Have Government any information as to the action contemplated by the different High Courts on the recommendations of the Bar Committee ?

The Honourable Sir Alexander Muddiman : I have received letters from certain Local Governments explaining the action taken, but replies have not been received from all the Local Governments.

† *Vide* page 3021 of Vol. IV of the Legislative Assembly Debates.

Diwan Bahadur T. Rangachariar : Do Government propose to issue any orders on the recommendations of the Committee ?

The Honourable Sir Alexander Muddiman : Certainly when we receive the replies from the Local Governments.

PROVISION OF INTERMEDIATE CLASS ACCOMMODATION ON THE M. S. M. AND SOUTH INDIAN RAILWAYS.

1708. ***Mr. C. Duraiswami Aiyangar :** (*a*) Has the attention of the Government been drawn to an article from Mr. T. K. Doraiswami Aiyangar on " A Railway grievance " in the *Swarajya,* dated 30th May 1924 ?

(*b*) Do the Government propose to remedy the grievance complained of ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) Government are informed that intermediate class accommodation is not provided on certain sections of the Madras and Southern Mahratta Railway and on passenger trains on the South Indian Railway, because there is no demand for it.

INCONVENIENT TIMINGS ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

1709. ***Mr. C. Duraiswami Aiyangar :** Are the Government aware that the timings of the M. and S. M. Railway are so inconveniently arranged :

(*a*) that there is no train on the metre gauge (Gudur to Katpadi) which immediately connects with the Mettupalayam Mail at Katpadi ?

(*b*) that passengers from Madras, Bangalore and Villupuram sides reaching Katpadi junction by night trains have all to wait till about 4 A.M. for going to Chittoor, Tirupati, etc. ?

(*c*) that the shuttle train service between Katpadi and Chittoor during the night was abolished to the great inconvenience of passengers ?

Mr. A. A. L. Parsons : (*a*) The metre gauge train is timed to connect with the Madras-Bangalore mail, and not with the Mettupalaiyam mail, since the former halts at more intermediate stations than the latter. Government understand that this arrangement gives greater convenience to the public than a connection with the Mettupalaiyam mail would provide.

(*b*) A train leaves Katpadi for Chittoor, Tirupati, etc., at 3-30 and not 4-0. This timing is arranged to serve trains arriving from Villupuram at 21-35, from Madras at 1-21, and from Bangalore at 2-45.

(*c*) Government understand that this service was withdrawn, because it was not sufficiently patronised. A count of passengers for a specified period shewed that few passengers used this service.

Mr. C. Duraiswami Aiyangar : Are the Government aware that on the Katpadi platform passengers are exposed to the cold weather when they have to wait for hours at night ?

Mr. A. A. L. Parsons : I do not think the question arises, but I am not aware of it.

ABOLITION OF THE NIGHT SHUTTLE TRAIN BETWEEN KATPADI AND CHITTOOR ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

1710. *Mr. C. Duraiswami Aiyangar: Are the Government aware that representations from the Chittoor Bar Association, the Municipal Council and the District Board about the shuttle train service were not complied with ?

Mr. A. A. L. Parsons : The Honourable Member is referred to the reply given to (c) of his immediately preceding question.

Mr. C. Duraiswami Aiyangar : Are Government aware that communications have been made by respectable public bodies and are still uncomplied with ?

Mr. A. A. L. Parsons : I have just informed the Honourable Member that the representations were not complied with and the reasons for it.

CONVEYANCE IN SEPARATE RAILWAY CARRIAGES OF TUBERCULAR PATIENTS TO THE SANATORIUM AT MADANAPALLI.

1711. *Mr. C. Duraiswami Aiyangar: (a) Are the Government aware that in the trains running between Pakala and Dharamavaram only one composite 1st and 2nd class carriage is attached ?

(b) Are the Government aware that the Sanatorium at Madanapalli is frequented by patients suffering from tuberculosis and that such patients travel in the same 2nd or 1st class compartment in which other such passengers have to travel ?

(c) Do the Government propose to consider the question of directing that Railway Companies must keep separate carriages suitable for conveyance of patients at important junctions and available at stated notice and moderate charges ?

Mr. A. A. L. Parsons : (a) Yes. This is in accordance with the requirements of the traffic.

(b) and (c). For the purposes of the Indian Railways Act tuberculosis is not an infectious disorder, for which reserved accommodation is necessary. Spare carriages, which can be reserved on due notice at the usual charges, are kept at Pakala and Renigunta junctions for the convenience of passengers requiring them.

Mr. C. Duraiswami Aiyangar : Are Government aware that a single passenger cannot engage a full compartment and will Government make arrangements for engaging a separate compartment for them on such occasions ?

Mr. A. A. L. Parsons : I cannot give any such undertaking, Sir.

Mr. C. Duraiswami Aiyangar : Do the Government see the necessity of preventing passengers suffering from tuberculosis from travelling with other passengers ?

Mr. A. A. L. Parsons : I must ask for notice of that.

SUPPLY TO INDIAN 1ST AND 2ND CLASS PASSENGERS OF REFRESHMENTS IN THEIR COMPARTMENTS.

1712. *Mr. C. Duraiswami Aiyangar : (a) Are the Government aware that under the management of Indian refreshment rooms by the Railway

Companies at some junctions refreshments are not supplied to 1st and 2nd class passengers in their compartments whereas similar supplies are made from European refreshment rooms ?

(*b*) If so do the Government propose to direct such supply in future ?

Mr. A. A. L. Parsons : (*a*) Refreshments and meals are not, except in special cases such as illness, etc., supplied from European refreshment rooms to passengers in carriages. Early morning tea, however, is so supplied, and it is understood that Indian I and II Class passengers are mostly prepared to drink tea supplied by European refreshment rooms.

For the benefit of passengers Indian refreshment rooms are worked as cheaply as possible, and, if such rooms were to supply refreshments in trains, their working cost and consequently their charges would increase. On the Madras and Southern Mahratta Railway it is understood that tea can be supplied from Indian refreshment rooms through passengers' servants, if desired.

(*b*) In the circumstances Government do not propose to issue any instructions in the matter.

IMPORT OF FOREIGN SALT.

1713. ***Mr. C. Duraiswami Aiyangar :** (*a*) Will the Government be pleased to state the quantity and value of foreign salt imported into India during the years 1920-21, 1921-22, 1922-23, and 1923-24 ?

(*b*) Are the Indian factories unable to produce a sufficient quantity of salt to avoid any importation of foreign salt ? If so, why ?

The Honourable Sir Basil Blackett : (*a*) The quantity and value of foreign salt imported during the last four years is as follows :

	Quantity.	*Value.*
	Tons.	Rs.
1920-21	6,20,964	2,28,13,456
1921-22	4,72,427	1,51,68,057
1922-23	5,42,133	1,68,79,854
1923-24	4,74,696	1,10,36,070

(*b*) The chief obstacle in the way of Indian salt displacing foreign salt is neither the incapacity of the factories in India to produce a sufficient quantity nor (in the case of some Indian salts) the superiority of the imported article ; it is the question of freight. Foreign salt is usually imported in vessels which come to India for export cargo and it is not possible either for coastingships or for the railways to quote freights which can compare with the favourable rates offered by vessels which would otherwise have to come to India in ballast.

OPENING OF A POST OFFICE IN THE VILLAGE OF GUDIPALA IN THE CHITTOOR DISTRICT.

1714. ***Mr. C. Duraiswami Aiyangar :** (*a*) What is the total number of (1) post offices (2) telegraph offices in the Chittoor and the Madras Ceded Districts ?

(*b*) What is the average number of villages and population which each post office and telegraph office in the said area serves ?

(*c*) Have there been frequent requests for opening a post office in the village Gudipala in Chittoor taluk of the Chittoor District ? If so, what is the result ?

Mr. H. A. Sams : (*a*) and (*b*). A statement containing the information desired is laid on the table.

(*c*) The reply to the first part of the question is in the affirmative. An experimental post office will shortly be opened.

Statement showing the total number of post offices and telegraph offices in the Chittoor and Madras Ceded Districts and the average number of villages which each post office and telegraph office in the said area serves.

	No.	Name of the District.	No. of post offices in the District.	No. of Telegraph offices in the District.	Average No. of inhabited villages which each post office serves.	Average No. of inhabited villages which each telegraph office serves.	Average population which each post office serves.	Average population which each telegraph office serves.	Remarks.
	1	Chittoor .	72	12	28	166	17,613	105,763	
Madras Ceded District.	2	Anantapur .	48	11	18	77	19,915	86,901	
	3	Bellary .	54	13	18	76	16,186	67,233	
	4	Cuddapah .	56	7	16	128	15,856	126,847	
	5	Kurnool .	66	11	12·8	77	13,862	83,172	

RECOMMENDATIONS OF THE INDIAN BAR COMMITTEE.

1715. ***Khan Bahadur Sarfaraz Hussain Khan :** Will the Government be pleased to state :

(*a*) Whether the Local Governments have furnished them with their views, as well as the views of the High Courts, Judicial Commissioners' Courts and of legal associations on the recommendations of the Indian Bar Committee ?

(*b*) If not, by what time are they expected to be furnished to them ?

The Honourable Sir Alexander Muddiman : (*a*) and (*b*). The views of most of the major Local Governments, and of the authorities consulted by them have not yet been received. Every effort is being made to expedite them, but it is not possible to say at present by what date they will be received.

Diwan Bahadur T. Rangachariar : Is it a fact that the report is being circulated not only to the High Courts but also to legal associations and other public bodies ?

The Honourable Sir Alexander Muddiman : I believe that is so.

Diwan Bahadur T. Rangachariar : Is that the procedure adopted in regard to any other Committee's recommendations ?

The Honourable Sir Alexander Muddiman : I am not prepared to say off hand.

PRICES OF SALT AFTER THE INCREASE OF THE SALT DUTY AND AFTER ITS REDUCTION.

1716. ***Khan Bahadur Sarfaraz Hussain Khan** : Will the Government be pleased to state the prices of salt per rupee, (*a*) after the increase of duty from Rs. 1-4-0 to Rs. 2-8-0, (*b*) after the reduction of duty from Rs. 2-8-0 to Rs. 1-4-0 ?

The Honourable Sir Basil Blackett : The Honourable Member is referred to the statistics of salt prices published in the official gazettes from time to time. It may, however, interest him to know that the average retail price of salt in India was 12 seers 9 chtks. per rupee in February 1923, that it rose to 9 seers 2 chtks. in July 1923, and that it has now again fallen to about 12 seers 8 chtks., *i.e.*, to the same level as before the duty was raised.

PAUCITY OF VOTES POLLED IN ASSAM DURING THE LAST LEGISLATIVE ASSEMBLY ELECTIONS.

1717. ***Khan Bahadur Sarfaraz Hussain Khan** : With reference to the statement laid on the table in reply to unstarred question No. 218, asked in the Council of State in the last Simla session regarding the voters on the Electoral Rolls of the Legislative Assembly, will the Government be pleased to state whether there was any special cause which led to the result that out of 27,183 voters in the Assam Province only 2,832 voters recorded their votes as compared with the voting in the other provinces ?

The Honourable Sir Alexander Muddiman : The candidates for 3 seats from Assam to the Legislative Assembly were returned unopposed. The figure, 2,382, referred to by the Honourable Member is the number of votes polled for the remaining seat which was contested. If the Honourable Member will refer to my answer to Mr. Gaya Prasad Sing's question No. 1103, dated the 30th May 1924, he will see that the percentage of electors who voted in the constituency, namely, 44 per cent. was about the average percentage for all contested constituencies for the Legislative Assembly at the general election of 1923.

RESEARCH INSTITUTE AT INDORE.

1718. ***Khan Bahadur Sarfaraz Hussain Khan** : Will the Government be pleased to state whether the scheme for the establishment of the Research Institute at Indore was prepared at the instance of the Government or of the States which contributed to the scheme ?

Mr. J. W. Bhore : The proposal for the establishment of a Research Institute in Central India originated with the Government of India in 1920 but was held in abeyance owing to financial stringency. The Indian Central Cotton Committee however put forward the scheme which has now been sanctioned.

COST OF ROADS IN BRITISH BALUCHISTAN AND SEISTAN.

1719. *Khan Bahadur Sarfaraz Hussain Khan : With reference to unstarred question No. 292, *re* cost of roads in British Baluchistan and Seistan, asked in the Council of State during the last Simla session and its reply, will the Government be pleased to state if the information called for has been furnished to them, and if so what is the information ?

Mr. E. Burdon : The necessary information has been received and I will furnish the Honourable Member with a statement containing the desired particulars.

MILITARY ROADS IN WAZIRISTAN AND KURRAM.

1720. *Khan Bahadur Sarfaraz Hussain Khan : With reference to unstarred question No. 293, *re* military roads in Waziristan and Kurram, asked in the Council of State during the last Simla session and its reply by Government, will the Government be pleased to state if the inquiry made by them has been completed, and if so, what is the result ?

Mr. E. Burdon : Yes, as a result of the inquiry made, the following reply was furnished to the Honourable Member who asked the question referred to :—

(*a*) The cost of maintaining metalled roads in South Waziristan is higher than it is in North Waziristan or in the Kurram.

(*b*) No. The high cost is due to other causes, such as the very high cost of labour, materials, transport, etc. The roads in South Waziristan are, moreover, subject to serious damage from spates and heavy rains.

(*c*) There is no evidence to show that any extensive wilful damage has been done to the roads in South Waziristan by tribesmen or contractors, though damage does occur in minor ways on the Sorarogha-Razmak and the Jandola-Sarwakai roads which are both nearing completion.

(*d*) When any malicious damage, however slight, does occur, the political authorities bring pressure to bear on the tribes concerned to prevent a recurrence. Under prevailing local conditions, however, it is not possible entirely to prevent minor damage of a malicious nature.

No instances have occurred of the destruction of roads by tribesmen in the Kurram.

RAIDS BY BORDER TRIBES.

1721. *Khan Bahadur Sarfaraz Hussain Khan : Will the Government be pleased to state :

(*a*) The number of raids on British India by the border tribes during the last 3 years respectively, namely in 1923-24, 1922-23, 1922-21 ;

(*b*) The result of each of these raids ; and

(*c*) The cost incurred by Government in meting out punishment to the raiders ?

Mr. Denys Bray : (*a*) The number of raids in Baluchistan and the North-West Frontier Province in the three years ending last March was successively 226, 159 and 84.

(*b*) Statistics of persons killed, wounded and kidnapped in each year are given in a statement which is laid on the table. The preparation of a statement showing the result of each individual raid would involve labour disproportionate to its value.

(*c*) It is impossible to apportion the expenditure on border defence between the defence of the frontier districts and the defence of India as a whole, or further to sub-divide the former into expenditure on the repelling and intercepting of raiders on the one hand and their punishment on the other.

Statement showing the number of raids on British India (North-West Frontier Province and Baluchistan) during the years 1921-22, 1922-23, and 1923-24, with particulars of losses, etc., sustained.

Year.	Number of raids.	NUMBER OF PERSONS.											
		KILLED.				WOUNDED.				KIDNAPPED.			
		Hindus.	Mohamedans.	Others.	Total.	Hindus.	Mohamedans.	Others.	Total.	Hindus.	Mohamedans.	Others.	Total.
1921-22	226	22	71	..	93	10	69	1	80	49	119	2	170
1922-23	159	8	62	..	70	9	53	..	62	30	60	..	90
1923-24	84	8	35	2	45	4	43	1	48	9	14	1	24

Lala Duni Chand : Are Government doing anything to prevent these raids ?

Mr. Denys Bray : The answer surely is contained in the answer I have just given. When I have said that we have brought down raids during the past three years from 226 to 84, the answer surely is there in the germ.

Lala Duni Chand : Are Government prepared to guarantee that the number of raids will decrease every year ?

Mr. Denys Bray : I wish, Sir, they could.

Diwan Bahadur T. Rangachariar : May I ask, Sir, what steps are being taken to arm the villagers to defend themselves.

Mr. Denys Bray : The villagers are being armed increasingly from year to year. I think the Honourable Member would be satisfied if I could provide him with figures—which I have not got in my head—to show that that is the case.

Diwan Bahadur T. Rangachariar : Are telephone connections established from village to village ?

Mr. Denys Bray : That is rather a large order. But we are doing what we can.

COST OF SOUTH AFRICAN COAL IMPORTED INTO INDIA.

1722. *Khan Bahadur Sarfaraz Hussain Khan : With reference to the reply given by Government to the unstarred question No. 301, asked in the Council of State during the last Simla session, will the Government be pleased to state the reason why the average cost of coal imported into India from South Africa during the year ending March 1924, was so high as Rs. 26 per ton while the average price of Indian coal shipped to foreign countries during the same period was so low as Rs. 17 per ton ?

The Honourable Sir Charles Innes : The cost of imported coal includes insurance and freight from the country from which it comes to the port of import. The price of exported coal includes only the freight from the colliery to the port of export.

DISMISSAL OF EMPLOYEES OF THE AUDIT OFFICE OF THE BENGAL AND NORTH WESTERN RAILWAY.

1723. *Khan Bahadur Sarfaraz Hussain Khan : Will the Government be pleased to state :

(*a*) Whether they have got the information that 69 employees of the Audit Office of the B. & N. W. Railway have been dismissed simply because they stayed out of office for a few minutes ?

(*b*) If they have not got the information, will they be pleased to get it, and communicate it to this House ?

Mr. A. A. L. Parsons: (*a*) and (*b*). The Honourable Member's attention is invited to the reply given to question No. 1057 asked by Mr. Bhabendra Chandra Roy during the last session in the Legislative Assembly debates, dated the 27th May 1924.

COUNTERVAILING DUTY ON SOUTH AFRICAN COAL.

1724. *Khan Bahadur Sarfaraz Hussain Khan : With reference to the statement laid on the table, in reply to the unstarred question No. 249, asked in the Assembly during the last Delhi session, will the Government be pleased to state, (*a*) the reason why they have not taken action on the Resolution " on countervailing duty on South African Coal " ? (*b*) whether they propose to take action on it, and if so, when ?

The Honourable Sir Charles Innes : The Honourable Member is referred to the answer given to Mr. Neogy's question No. 1539, dated 11th June 1924. The Government hope shortly to be able to make an announcement on the subject.

HAJ PILGRIMS.

1725. *Khan Bahadur Sarfaraz Hussain Khan : With reference to the reply given by Government to starred question No. 1075, asked in the last Simla session of the Assembly, will the Government be pleased to state :

(a) Whether the return tickets purchased by the 649 pilgrims last year at Bombay and Karachi, were purchased by them of their own free will, or at the instance of the authorities concerned ?

(b) the cost at which Government assisted in the repatriation of 1,716 pilgrims ?

Mr. J. W. Bhore : (a) The pilgrims concerned purchased the return tickets of their own free will.

(b) Rupees 35,300.

COST OF DEPUTATION OF INDIA'S REPRESENTATIVES TO THE IMPERIAL CONFERENCES AND MEETINGS OF THE LEAGUE OF NATIONS.

1726. *Khan Bahadur Sarfaraz Hussain Khan : Will the Government be pleased to state the cost of the deputation of the representatives of India to the Imperial Conferences and the meetings of the League of Nations respectively in the following years :

Imperial Conference :—1917, 1918, 1921, 1923 ;

League of Nations :—1920, 1921, 1922, 1923 ?

The Honourable Sir Alexander Muddiman : The information is being collected and will be laid on the table.

Mr. Devaki Prasad Singh : Will the Government be pleased to state if Maharajas and Ruling Chiefs who join such deputations as representatives of India at the Imperial Conference and the League of Nations, also charge the expenses of their journey ?

The Honourable Sir Alexander Muddiman : I am sorry I do not carry that in my head. I should like notice of the question.

RENT FOR SHORT PERIOD OCCUPATION OF SINGLE QUARTERS AT LONGWOOD HOTEL.

1727. *Khan Bahadur Sarfaraz Hussain Khan : Will the Government be pleased to state :

(a) whether short period occupants of a single quarter at Longwood are charged at the rate of Rs. 3 per day ?

(b) whether the Members of the Indian Legislature who are also short period occupants are charged at a higher rate ?

The Honourable Mr. A. C. Chatterjee : (a) and (b). The answer to both parts of the question is in the affirmative.

RENT OF QUARTERS AT LONGWOOD.

1728. *Khan Bahadur Sarfaraz Hussain Khan : With reference to the Government reply to the fourth supplementary question asked by Mr. Duraiswami Aiyangar to my starred question No. 1095 *re* the rent of quarters at Longwood asked in the last Simla session of the Assembly will the Government be pleased to give a detailed reply ?

The Honourable Mr. A. C. Chatterjee : The rents charged to Government officers are calculated on a $3\frac{1}{2}$ per cent. rate of interest. The rents charged to Members have been fixed at higher rates for reasons explained in reply to question No. 1095 referred to by the Honourable Member.

Mr. K. Ahmed : Is there any logic, Sir, or is there any sense when the Honourable Member says that any officers occupying these quarters pay at the rate of Rs. 3 per diem, while Members of this Assembly are not charged at the same lower rate—that is to say, Rs. 3 per diem ? Do Government propose to explain ?

PURCHASE PRICE OF LONGWOOD HOTEL.

1729. ***Khan Bahadur Sarfaraz Hussain Khan** : Will the Government be pleased to state under what head the cost of the purchase of Longwood Hotel is shown ?

The Honourable Mr. A. C. Chatterjee : 41—Civil Works, Central.

OCCUPATION OF QUARTERS IN LONGWOOD HOTEL BY OFFICIALS.

1730. ***Khan Bahadur Sarfaraz Hussain Khan** : Will the Government be pleased to state whether it is a fact that before the purchase of the Longwood Hotel, they knew that the stay of the Members of the Indian Legislature in Simla would be for short periods, and that therefore its quarters would have to be rented to outsiders ?

The Honourable Mr. A. C. Chatterjee : Before Government purchased Longwood, they foresaw the desirability of allotting quarters in it to officials in non-session periods. It is the ordinary practice to try and obtain tenants for Government quarters which are empty with a view to minimising loss.

Baba Ujagar Singh Bedi : Do they propose to give it to anybody else if they want to have it on rent ?

The Honourable Mr. A. C. Chatterjee : Could the Honourable Member explain what he means by anybody else ?

Baba Ujagar Singh Bedi : Any visitor who comes up to Simla and stays here.

The Honourable Mr. A. C. Chatterjee : No, certainly not.

EXCLUSIVE USE OF LONGWOOD HOTEL BY MEMBERS OF THE INDIAN LEGISLATURE.

1731. ***Khan Bahadur Sarfaraz Hussain Khan** : Will the Government be pleased to state :

(*a*) whether the Longwood Hotel consists of 3 buildings, namely, (1) the Main Block, (2) the New Block, (3) the Annexe ?

(*b*) whether the Main Block chiefly the upper portion of it, was ever offered to the Members of the Indian Legislature, since the purchase of the Longwood Hotel by Government, and if so, how many times ?

(*c*) whether they are prepared to allow the whole of the Longwood Hotel to be kept exclusively for the use of the Members of the Indian Legislature during the Simla sessions of the Council of State and Assembly ?

The Honourable Mr. A. C. Chatterjee : (*a*) Longwood Hotel consists of—

(*i*) Main block,
(*ii*) Annexe,
(*iii*) Range,
(*iv*) 7 Cottages,
(*v*) New block ;

with blocks of out houses, stables, etc.

(*b*) Yes, in 1921.

(*c*) This would probably involve Government in additional loss. We have, however, discussed informally with Members of the Legislature the best method of utilising the buildings, having due regard to the interests of the tax-payer, and I may add that the suggestions that have been made will receive careful consideration.

Mr. K. Ahmed : May I ask what was the price at which this Longwood property was purchased by the Government in 1920 ?

The Honourable Mr. A. C. Chatterjee : I should like to have notice.

OFFICER IN CHARGE OF LONGWOOD HOTEL.

1732. ***Khan Bahadur Sarfaraz Hussain Khan :** Will the Government be pleased to state :

(*a*) if it is a fact that an officer was always put in charge of the Longwood Hotel during the sessions of the last Assembly but that during the last Simla session no special responsible officer was placed in charge ?

(*b*) if so, will they please give reasons for his removal ?

The Honourable Mr. A. C. Chatterjee : The question evidently refers to the fact that in previous years an officer was brought up from Delhi during the Assembly periods to look after the comfort of the Members of the Assembly. He was, however, in no sense in charge of the hotel. He was not brought up this year, partly on grounds of economy and partly on account of the fact that his presence was considered superfluous.

Mr. K. Ahmed : Are the Government aware that some Members of the Assembly, especially my Honourable friend, the representative of the Landholders of the Punjab, has suffered loss, by losing his gold watch valued at five hundred rupees at Longwood residence a couple of days ago ?

Mr. M. A. Jinnah : Are the Government prepared, for the protection of this House, to take efficient measures to stop this volley of questions on this subject ?

Mr. K. Ahmed : Is this not the practice followed in the House of Commons in England, and if so, will the Honourable Member kindly not raise any objection, disallowing Members of the Assembly to put questions which they are entitled to put, representing the people of this country ?

Mr. M. A. Jinnah: I ask the Honourable Member to reply to my question.

The Honourable Mr. A. C. Chatterjee : I have always done my best and I shall continue to do so.

Mr. M. A. Jinnah : Is the Honourable Member prepared to hand over the Longwood Hotel to company management if Government cannot manage it ?

Mr. K. C. Neogy : Is there any House Committee in existence ?

The Honourable Mr. A. C. Chatterjee : It is for the Honourable Members of this House to answer, Sir, not for me.

Mr. K. Ahmed : Did the Honourable Member try his utmost to start an organisation like that and hand over the property to them, because they cannot themselves manage it properly ?

PUNISHMENT INFLICTED ON CERTAIN BOOKING CLERKS AT HOWRAH.

1733. ***Khan Bahadur Sarfaraz Hussain Khan** : With reference to Government reply to the supplementary question *re* punishment inflicted on certain booking clerks at Howrah, to starred question No. 1106 asked by Mr. Gaya Prasad Singh in the Simla session of the Assembly will the Government be pleased to give the reply now ?

Mr. A. A. L. Parsons : The Honourable Member is referred to the answer given to the question asked by Mr. Gaya Prasad Singh in this connection.

Mr. Gaya Prasad Singh : Are the Government aware that to my question on this subject the other day the Government did not give any reply beyond saying that the only information in their possession was that the booking clerks have been suitably dealt with ? I put the question, No. 1106 on the 30th May last and Mr. C. D. M. Hindley replied " I must have notice of that question ; I am afraid I cannot say off-hand." Then I put down this question and the only reply received was that Government have no information beyond the fact that the booking clerks concerned have been suitably punished. Is that an honest and a fair reply ? I asked the Government to find out what punishment had been inflicted. That is no answer.

The Honourable Sir Charles Innes : The answer, Sir, was given deliberately because we did not think it was in the public interest that inquiries should be made of the Agent in such a petty matter.

Mr. Gaya Prasad Singh : Then why in reply to my question No. 1106 on the 30th May 1924,—" May I know what punishment has been inflicted on the booking clerks concerned ? ", did Mr. Hindley, replying on behalf of Government, say " I must have notice of that question ; I am afraid I cannot say offhand." ? What is the use of this camouflage, when Government did not desire to give the information ?

Mr. C. D. M. Hindley : There was no camouflage at all in the matter. The question was fired at me after a long series of questions and I said perfectly honestly that I required notice of the question. I required notice so that I could consider whether it was advisable for Government to give the answer. There was no camouflage in the matter. It was a perfectly honest answer.

OFFICERS IN THE INDIAN CIVIL SERVICE AND INDIAN PERSONNEL OF THE SERVICE IN 1861, 1887, 1913 AND THE 1ST JANUARY 1924.

1734. ***Sir Purshotamdas Thakurdas** : Will Government be pleased to state the total number of officers in the Indian Civil Service in the follow-

ing years, stating in each case the Indian personnel of the Service in that year :

1861,
1887,
1913,
and
1st January 1924 ?

The Honourable Sir Alexander Muddiman : A statement giving the information so far as it could be obtained is laid on the table.

Year.	Total number of officers.	Number of Indians.	REMARKS.
1861	306*	..	* This figure is only for Madras and Bombay Presidencies. Figures for other provinces are not available.
1887	1,077†	38	† Including Statutory Civilians and officers of the mixed Commissions.
1913	1,371	66‡	‡ Include 3 Anglo-Indians.
1924	1,290 (1,380 including Listed posts).	164 (251 including Listed posts).	

NEW LEGISLATIVE RULES.

1735. ***Mr. K. C. Neogy :** 1. (*a*) Will Government be pleased to state the circumstances that prompted the making o fthe new legislative rules under the Government of India Act, promulgated in the Gozette of India Extraordinary dated the 21st July 1924 ?

(*b*) When did the question of the desirability of adding these rules (1) for the Indian Legislative Assembly, and (2) for the Provincial Councils, respectively, first come up for the consideration of Government ?

2. (*a*) Did Government consider the desirability of consulting the Indian Legislature before adding the aforesaid rules ?

(*b*) If so, what were the reasons for their decision not to consult the Indian Legislature in this particular instance ?

The Honourable Sir Alexander Muddiman : 1. (*a*) and (*b*). As the Honourable Member is doubtless aware, a temporary injunction was granted by the Calcutta High Court on the 7th July against the President of the Bengal Legislative Council, including in that term the Deputy President and the panel Chairman, restraining them from putting a motion relating to a supplementary grant before the Bengal Legislative Council pending the final determination of a suit which had been filed in that Court. In the course of his order directing the issue of the injunction Mr. Justice Ghosh held that the motion could not be presented to the Council because of the provisions of rule 32 of the Bengal Legislative Council Rules. It will be remembered that the Joint Select Committee in their

remarks on clause 11 of the Bill of 1919 suggested that the Governor would be justified, if so advised by his Ministers, when a Council had altered the provision for a transferred subject, in resubmitting a provision to the Council for a review of their former decision. The Joint Committee intimated that they did not apprehend that any statutory prescription to that effect was required. As stated by the Secretary of State in the House of Lords on the 21st July, 1924, the Government of India and the Secretary of State agreed in thinking that the rules referred to did not in fact preclude such a motion as was proposed to be moved by the Government of Bengal. In view however of the opinion expressed by the learned Judge of the Calcutta High Court and of the fact that the Government of India understood that a similar motion was proposed to be moved in the Bombay Legislative Council, which was due to meet on the 21st July, the Government of India considered that it was desirable *ex majori cautela* to amend the rule. They accordingly made the necessary recommendations in regard to the Indian Legislative Rules and the Legislative Council Rules of each province. Their recommendations were sanctioned by the Secretary of State in Council and amendments to remove all doubts as to the meaning of the rules were made on the 19th July and published on the 21st July. I would merely add that Mr. Justice Ghosh in directing the issue of the injunction concluded his order by expressing the opinion that the rules required revision in the light of the events in the case before him.

2. (*a*) and (*b*). The Indian Legislature was not sitting at the time and the Government of India accordingly did not consider the question of consulting the Legislature before making the amendments in question.

Mr. K. C. Neogy : Did the Government consult the Law Officers of the Crown with regard to the various points arising out of the judgment of Mr. Justice Ghosh before taking this action ?

The Honourable Sir Alexander Muddiman : Does the Honourable Member mean the Law Officer of the Crown at Home ?

Mr. K. C. Neogy : Yes.

The Honourable Sir Alexander Muddiman : No, Sir.

Mr. Amar Nath Dutt : Is it not a fact that a Member of this House was a plaintiff in the suit in the Calcutta High Court ?

The Honourable Sir Alexander Muddiman : I was not aware of it.

Mr. A. Rangaswami Iyengar : May I know, Sir, why the Government should have thought fit to make rules in regard to the resubmission of grants when they are rejected by the Legislative Assembly without consulting the Indian Legislature and without having regard to the fact that, so far as grants in this House are concerned, no question of the Government being bound by any vote of this House arises inasmuch as the Governor General can restore grants pertaining to all Departments unlike Governors in Provinces ?

The Honourable Sir Alexander Muddiman : The question is rather a long one ; but as regards the first point I made it clear in my answer that the reason why the Legislature was not consulted was that the Legislature was not then sitting.

Mr. A. Rangaswami Iyengar: May I know, Sir, whether the Government have now in contemplation the bringing up here again for another vote of the Assembly any grant which has already been refused by the

Assembly—a position in which the enactment and operation of the Rules may be found necessary ?

Mr. K. Ahmed : Has it not produced the beneficial effect, Sir, as far as the revenue of Bengal is concerned, by the passing of the new legislative rules and getting rid of all the barristers, counsel and attorneys who were engaged in this case unnecessarily, and thereby saving a great amount of money of the general revenue after all ?

Mr. Devaki Prasad Sinha : Are the Government aware that the remarks mentioned by the Honourable Member as occurring in the judgment of Mr. Justice Ghosh referred only to facilities for the administration and carrying on of the business of the Legislative Council and left untouched entirely the right of a private citizen and taxpayer to sue the Legislative Council when a decision of the President went wrong ?

The Honourable Sir Alexander Muddiman : I am glad to hear it. I personally should never desire to take away the ordinary right of a private citizen to sue if he has a right of action.

Dr. H. S. Gour : Sir, what I should like to ask the Honourable the Home Member is this. Is it not a fact that the existing rules relating to the supplementary grants both in the Central and Local Legislatures were drawn up to be in conformity with the constitutional practice as obtaining in the House of Commons and whether the amendment of the rules now made by the Government of India is not a departure from that constitutional practice ?

The Honourable Sir Alexander Muddiman : I am not prepared to say what the constitutional practice in the House of Commons is, but Government have amended the rules because they desired to bring them into conformity with what was undoubtedly the intention of the Joint Select Committee.

Diwan Bahadur M. Ramachandra Rao : Sir, may I ask the Honourable the Leader of the House whether he is prepared to give an assurance to this House that in future before the rules are amended this House will be consulted whether it is sitting or whether it has to be assembled for the purpose ?

The Honourable Sir Alexander Muddiman : Certainly not, Sir. I am not prepared to give any assurance of the kind. The occurrence of this case proves the necessity of the Government at any rate retaining the power to alter these rules without consulting this House. What has been done in this case ? An immediate matter was pending before the Bombay Council and a recommendation had been made. Could we get the House together then ? I do not think so.

Diwan Bahadur M. Ramachandra Rao : May I suggest to the Honourable Member that, so far as this House is concerned, there is no urgent necessity to amend the rules before consulting the House.

The Honourable Sir Alexander Muddiman : If you are amending the rules of one Council, you must amend the rules of the others.

Diwan Bahadur M. Ramachandra Rao : You might have done exactly the same after this House had been consulted, so far as this House is concerned, leaving Bengal and Bombay alone.

SMMUGGLING OF SACCHARINE.

1736. *Mr. Jamnadas M. Mehta : 1. Will Government be pleased to state the quantity of saccharine powder annually imported into India for three years preceding the 1st March 1923 when an import duty of Rs. 20 per pound was levied on that article ?

2. Will Government be pleased to state the quantity of the said article imported into India for twelve months following the imposition of the duty of Rs. 20 per pound ?

3. Are Government aware that the market price of saccharine for sometime after the levying of the additional duty was nearly Rs. 24 per pound ? Has it thereafter steadily declined ?

4. Are Government aware that at present the market price of saccharine is much below Rs. 10 per pound ? Can Government explain the causes of such an unusual decline ?

5. Have Government received complaints from public bodies and also from saccharine dealers in India about the heavy smuggling of saccharine from Singapore, Pondicherry and Goa ?

6. Will Government state how far the said complaints are justified and what steps they have taken or propose to take to prevent smuggling on such a huge scale ?

The Honourable Sir Basil Blackett : The quantity of Saccharine imported for the last four years is as follows :

(1)

Twelve months 1st April to 31st March.

	Quantity of Saccharine imported. Tons.
1920-21	25
1921-22	21
1922-23	44
(2) 1923-24	14

3) to (6). I would invite the Honourable Member's attention to the replies given to similar questions put in the Council of State on the 4th June last. I may add that on that date, a Notification was issued prohibiting the importation of saccharine by land from the Foreign Settlements in India.

RESOLUTIONS PASSED BY THE ASSEMBLY DURING THE DELHI SESSION AND GIVEN EFFECT TO BY GOVERNMENT.

1737. *Mr. C. Duraiswami Aiyangar : Will the Government be pleased to state which of the Resolutions passed by the Assembly during the Delhi session of the Assembly 1924 were—

(*a*) accepted by His Excellency the Governor General, and

(*b*) not accepted by His Excellency the Governor General,

(*c*) and are pending decision by His Excellency the Governor General ?

Sir Henry Moncrieff Smith : With reference to the form of the Honourable Member's question, I would point out to him that Resolutions

adopted by the Assembly are in the form of recommendations to the Governor General in Council and it rests therefore with the Governor General in Council and not with His Excellency the Governor General to accept and give effect to such recommendations. The Honourable Member is referred to the statement which I laid on the table on the 27th May, 1924, in reply to Mr. S. Sadiq Hasan's question on the same subject. That statement is printed at pages 2261-2262 of the Legislative Assembly Debates, Volume IV, No. 39.

PURCHASE OF STORES.

1738. ***Mr. C. Duraiswami Aiyangar :** (*a*) Will the Government be pleased to state how many of the firms under each of the three lists published by the Chief Controller of Stores in the Gazette of India dated July 12, 1924 are purely (1) Indian firms with Indian capital (2) Non-Indian firms with a portion of Indian shareholders or directors, stating in such cases the proportion of such Indian capital ?

(*b*) Will the Government be pleased to state why the purchase of articles not manufactured in India is restricted to an indent upon the Stores Department, London, and not extended to any cheaper market outside the United Kingdom if available ?

The Honourable Mr. A. C. Chatterjee : (*a*) The Government of India have not the information asked for. The attention of the Honourable Member is, however, drawn to sections 32 and 248 of the Indian Companies Act, 1913, from which he will see that in the case of such of these companies as have been registered under the Act, he can obtain from the Registrars, Joint Stock Companies, copies of lists of shareholders and directors, with their names and addresses, and the number of shares held by each.

(*b*) The Honourable Member appears to misunderstand the rules. The placing of an indent on the India Store Department, London, does not in any way restrict the market. I would invite his attention to the instructions given by the Government of India to the High Commissioner on the subject contained in their letter No. S.-360, dated the 22nd December 1921, a copy of which was laid on the table of the House on the 18th March 1922.

OVERHAULING OF THE SONE BRIDGE ON THE EAST INDIAN RAILWAY.

1739. ***Khan Bahadur Sarfaraz Hussain Khan :** Will the Government be pleased to state :

(*a*) In what year the Sone Bridge near Koelwar station, East Indian Railway, was constructed ?

(*b*) Whether it is a fact that trains pass over this bridge at a much slower speed than on the bridge over the Gandak, B. and N. W. Railway, and other bridges ? If so, what is the reason ?

(*c*) Whether they are prepared to consider the question of thoroughly overhauling the bridge referred to in (*a*) with a view to minimise the chances of an accident taking place in the way of a sudden collapse ?

Mr. A. A. L. Parsons : (*a*) The bridge in question was constructed before 1870.

(*b*) Yes, there is a speed restriction over the bridge as the girders are old and below the required strength for fast trains.

(*c*) The matter has received attention already and the renewal of the bridge for one of the two tracks is in hand.

The other track will be taken in hand on completion of the first.

ENCOURAGEMENT OF RAILWAY INDUSTRIES.

1740. ***Khan Bahadur Sarfaraz Hussain Khan** : Will the Government be pleased to state the amount spent so far towards the encouragement of Railway industries of the loan of 150 crores ?

Mr. A. A. L. Parsons : It is impossible to give the information in the form in which the Honourable Member asks for it ; but up to last year just under 10 crores had been spent in India out of the 150 crores grant, and about 13½ crores have been provided in the Budget for similar expenditure during 1924-25.

CASE OF MR. N. SUBBA RAO, LATE TELEGRAPHIST OF BEZWADA.

1741. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to the reply given by Government to starred question 1138 (*c*) asked in the last Simla session of the Assembly, will the Government be pleased to state or lay on the table a copy of the order passed on the appeal of Mr. N. Subba Rao, telegraphist of Bezwada (Madras) ?

(*b*) Will the Government also please state or lay on the table, the order of the Postmaster General, passed on the explanation of Mr. M. Subba Rao, Telegraphist, Bezwada ?

The Honourable Mr. A. C. Chatterjee : Copies of the orders asked for are laid on the table.

Copy of a letter No. 2-P.T., dated the 24th September 1923, from the Secretary to the Government of India, Department of Industries and Labour, Simla, to the Director-General of Posts and Telegraphs, Simla.

With reference to the memorial, dated the 12th May 1923, addressed to His Excellency the Viceroy by Mr. Subba Rao, late Telegraphist, attached to the Bezwada Telegraph Office, appealing against the order of his dismissal from service, I am directed to say that the Government of India have given their careful consideration to his case and have decided to reject his memorial. I am to request that the memorialist may be informed accordingly.

Copy of Order, dated the 13th June 1922, passed by the Postmaster-General, Madras Circle, in connection with the charges laid against Mr. N. Subba Rao, Telegraphist, Bezwada.

The letter without date from A. Ramanna and B. Seetiah, Bezwada, was received by me on the 21st December 1921, and I ordered an investigation. A copy of the same letter was sent to me with D. O., dated the 22nd December, 1921, from Mr. deMonte, Deputy Director-General, Traffic, with the request that the truth of the allegations contained therein might be examined.

Mr. J. J. Barry, Superintendent, Telegraph Traffic, has made an exhaustive inquiry at Bezwada.

The letter is pseudonymous and contains charges against Mr. B. Purniah, Deputy Superintendent in charge, Bezwada Telegraph Office.

During the inquiry made by Mr. Barry evidence against telegraphist N. Subba Rau came to light and forms the basis of the memo. of charges which has been drawn up against him.

This memo. of charges is perhaps on technical grounds objectionable. In paragraph 1 it says 'there is clear evidence'; in para. 5 'clearly betrays'; in para. 6 'abundant evidence'. According to Rule 768 of Telegraph Traffic Manual, Volume I, "No opinion should be expressed at this stage as to the guilt of the accused or otherwise". The reason for this provision is presumably that the accused should not feel disheartened by any apparent prejudgment of his case and in consequence think it not worthwhile to offer any defence. In this particular case I consider that Subba Rau has not been prejudiced by the formal flaws in the memo. of charges drawn up by the office. He has submitted a full and lengthy defence. The case against him, therefore, can be considered on its merits without having regard to any technical objection that might be raised against the memo. of charges.

Count I.—The evidence on which this is based is sufficiently stated in the memo. of charges. Telegraphist Subba Rau also has admitted that he subscribed to the Tilak Swaraj Fund. In his defence Subba Rau alleges that Mr. M. Subramiah, M. Krishna Rau and B. Krishnaswamy Naidu have enmity against him. As regards P. Hanumantha Rau, he says that according to the witness Subba Rau never started the Tilak Swaraj Fund. It is clear, however, from Hanumantha Rau's statements, dated the 7th January, 1922, and the 1st March, 1922, that the subscription list was brought to him by Subba Rau.

As regards witness Muhammad Abdur Razack Sahib, Subba Rau says that this witness said nothing of the kind assigned to him and was not aware of what he was asked to sign by Mr. Barry. This I do not believe. I had no reasons to doubt that Md. Abdur Razack Sahib made the statement as taken down by Mr. Barry. That he may have subsequently denied this to Subba Rau does not shake my belief in the truth of his evidence.

There is further Subba Rau's own admission before Mr. Barry that he subscribed to the Tilak Swaraj Fund. As regards this Subba Rau invites attention to his letter to me and his letter to the Director-General. The substance of these letters is much the same, *viz.*, that Mr. Barry took no proper steps to record Subba Rau's statement and finally kept him in the travellers' bungalow from 5-30 P.M. to midnight and improperly forced the statement out of him. From Mr. Barry's report I am satisfied that this allegation of Subba Rau is untrue. The fact is that Subba Rau took every opportunity of avoiding an interview with Mr. Barry and was only with great difficulty run to earth I have no reason whatever to believe that Mr. Barry improperly forced any statement out of Subba Rau. Subba Rau cannot get away from his admission that he subscribed to the Tilak Swaraj Fund.

There is thus ample evidence that Subba Rau either started or actively canvassed subscriptions to the Tilak Swaraj Fund in Bezwada Telegraph Office and I find this count proved. This is a violation of Rule 22 of the Rules relating to Government Servants' Conduct.

Count 2.—This charge is to the effect that N. Subba Rau has been associating with non-co-operators, attending their meetings, discussing non-co-operation theories in the office and propagating those theories among the office staff.

As regards the 1st four witnesses cited in the memo. of charges Subba Rau alleges enmity.

Mr. Purniah, the Deputy Superintendent in charge, deposed that Subba Rau had irregular conversation in the Club room and that he had to speak to him on the subject.

Subba Rau says that this remonstrance was addressed not to him alone but to all the members of the Club. He pleads in reply to this charge that Mr. Purniah should have reported him and that the fact that he did not do so disposes of the charge.

I do not agree. Subba Rau himself states that Deputy Superintendent, Mr. Purniah, was one of those who held the meeting for collecting subscriptions to the Tilak Swaraj Fund and against Mr. Purniah himself there is ample evidence to show that he was either himself a sympathiser with non-co-operation movement or not of sufficient force of character to check undesirable activities among his staff.

The evidence on this count satisfies me that Subba Rau has been sympathising actively with the non-co-operation movement.

Count 3.—This charge is to the effect that Subba Rau agitated for the discontinuance of the paper 'Justice' in favour of the 'Bombay Chronicle', 'Hindu', and 'Andhrapatrika'.

There is ample evidence to support this charge. Subba Rau explains the discontinuance of 'Justice' as being due to a general desire of the members to have a Calcutta paper. Subba Rau calls the 'Hindu' and 'Andhrapatrika', 'loyal papers'. But both these papers actively preach the doctrine of non-co-operation.

I am satisfied that Subba Rau was largely instrumental in discontinuing loyalist papers in the club and taking in only n. c. o. papers.

Count 4.—Mr. O. Ramaswami Sastri, Clerk, Office of the District Superintendent of Police, Godavari District, and Mr. Md. Abdur Rub, Inspector of Post Offices, Bezwada Sub-Division, have stated that while travelling from Bezwada to Masulipatam on the 26th December, 1921, an altercation arose between Mr. Sastri and Subba Rau, the latter angrily standing up for non-co-operation. Subba Rau was at that time wearing khaddar and a Gandhi cap. Subba Rau has produced statement of two witnesses that he remained silent throughout this altercation and that the man actually disputing with Mr. Sastri was some one else not identified.

Mr. Sastri was at the time a total stranger to Subba Rau but subsequently identified him. No enmity on the part of Mr. Abdur Rub has been suggested by Subba Rau and there is no reason whatever for rejecting the statements of these two witnesses.

I find this part of the charge proved.

Count 5.—Subba Rau does not deny that he wears khaddar and a Gandhi cap. He relies on the statement made by the Hon'ble Sir William Vincent in the Imperial Legislative Assembly that the wearing such clothes is not in itself objectionable.

Sir William Vincent's reply to a query about Government servants wearing Khaddar in office was as follows :—

> "Government do not object to their servants wearing clothes composed of any material, provided that the clothes worn do not definitely carry with them any political significance."

There is evidence that Subba Rau persuaded or tried to persuade all members of the office-staff to wear Khaddar clothing ; and in view of the rest of the evidence against Subba Rau his contention that the wearing by him of Khaddar and Gandhi cap had no political significance is puerile.

A careful consideration of the evidence against telegraphist Subba Rau convinces me that he has been actively sympathising with the non-co-operation movement and was largely responsible for the trouble in the Bezwada Telegraph Office. His character roll gives no reasons for lenient treatment. It shows, moreover, that he has been heavily in debt, and has been declared an insolvent. I consider that he is not a fit person to be retained in Government service and direct that he be dismissed with effect from the date of his suspension.

Realisations from the Sale of Post Office Cash Certificates.

1742. ***Khan Bahadur Sarfaraz Hussain Khan** : With reference to my starred question No. 1146 asked in the last Simla session of the Assembly, will the Government be pleased to state if there is any special reason why the realisation from the sale of Post Office Cash Certificates in 1921-22 was only Rs. 47,98,000 and in 1923-24 Rs. 6,88,65,000 ?

The Honourable Sir Basil Blackett : The attention of the Honourable Member is invited to paragraph 25 of my Budget speech of the 29th February last, in which I explained how an improvement in the attractions of the investment and action taken to advertise and popularise these Cash Certificates had resulted in a striking increase in sales. I am glad to be able to say that they continue to be popular.

Advisory Committee of the East Indian Railway.

1743. ***Khan Bahadur Sarfaraz Hussain Khan** : Will the Government be pleased to state :

(*a*) whether the Calcutta Advisory Committee of the East Indian Railway has branches located at different places ?

(*b*) If so at what stations or places have those branches been located ?

Mr. A. A. L. Parsons : (*a*) and (*b*). There are two Advisory Committees on the East Indian Railway, a main Committee at Calcutta and a Branch Committee at Cawnpore.

ADVISORY COMMITTEES FOR RAILWAYS.

1744. ***Khan Bahadur Sarfaraz Hussain Khan :** Will Government please state whether Advisory Committees have been established for all railways in British India, and if not for how many railways have such Committees been established ?

Mr. A. A. L. Parsons : Local Advisory Committees have been formed on all the principal railways except the Bengal-Nagpur Railway. The formation of a Committee on that Railway is under consideration.

1745. (This question was answered† on the 8th September).

CONFIDENTIAL CIRCULAR ISSUED TO THEIR EMPLOYEES BY THE EAST INDIAN RAILWAY.

1746. ***Khan Bahadur Sarfaraz Hussain Khan :** Will the Government be pleased to state if it is a fact that a confidential circular has been issued by the East Indian Railway authorities, asking their employees to take long furlough, if they so desire, in view of the decision of the Government to take over that Railway ?

Mr. A. A. L. Parsons : Government are not aware that any such circular has been issued.

PENSION OF ONE BEDAR BAKHT.

1747. ***Khan Bahadur Sarfaraz Hussain Khan :** With reference to the Government reply to my starred question 1184 asked in the last Simla session of the Assembly will the Government please state if inquiries have been completed now ; and if so, will they please communicate the result to the House ?

The Honourable Sir Alexander Muddiman : I am going to answer this question later, Sir. I do not know which Department is concerned in this.

PROVISION OF INDICATION BOARDS FOR THE DIRECTION OF PASSENGERS AT NAIHATI STATION ON THE E. B. RAILWAY.

1748. ***Khan Bahadur Sarfaraz Hussain Khan :** With reference to the Government reply stating " With regard to Naihati station, indication boards for the direction of passengers who should change at this station have not up to the present been provided, but Government understand that their preparation is now in hand and they will shortly be erected " to my starred question No. 1185 asked in the last session of the Assembly, will the Government please state if the indication boards have been erected now ?

Mr. A. A. L. Parsons : Government understand that the indication boards have been erected.

† *Vide* page 3010 of Vol. IV of Legislative Assembly Debates.

HINDU-MUSLIM TENSION IN DELHI.

1749. *Khan Bahadur Sarfaraz Hussain Khan : (*a*) Has the attention of Government been drawn to the paragraphs published in the issue of the *Englishman* of the 7th July, 1924, page 4, under the headings " Affray averted in Delhi," " Hindu-Muslim tension " ?

(*b*) If so, will they please state the facts of the case for the information of the House ?

The Honourable Sir Alexander Muddiman : (*a*) The answer is in the affirmative.

(*b*) The facts of the case regarding the mosque are practically as stated in the article referred to. As regards the Hindu-Muslim Arbitration Board, Government are informed that the hopes with which the Board started were not realised—and the Board has now ceased to function.

STATION MASTER OF KASUR.

1750. *Khan Bahadur Sarfaraz Hussain Khan : Will the Government be pleased to state if the station master of Kasur, Lahore District (North Western Railway), has been officiating in the special class since 1919 whereas 11 station masters in Class C are senior to him ?

(*b*) If so, will the Government please state if there are any special reasons why the claims of the 11 senior station masters have been overlooked ?

Mr. A. A. L. Parsons : The Honourable Member is referred to the reply to a similar question put on the 4th June last by Lala Duni Chand.

HOUSE RENT ALLOWANCES OF EUROPEANS, ANGLO-INDIANS AND INDIANS ON COMPANY-MANAGED RAILWAYS.

1751. *Khan Bahadur Sarfaraz Hussain Khan : (*a*) With reference to the reply to starred question No. 1216 asked in the last Simla session of the Assembly, will the Government be pleased to state whether similar equality is observed between European, Anglo-Indian and Indian employees in the matter of house rent, on Company-managed railways to that observed on State railways ?

(*b*) If not, are they prepared to draw the attention of the authorities of the Company-managed railways to the rule on State railways, and to recommend that no distinction be made in the matter between European, Anglo-Indian and Indian employees ?

Mr. A. A. L. Parsons : (*a*) and (*b*). Government are not aware of the exact practice observed on Company-worked railways in regard to the payment of house rent allowance to European and Anglo-Indian and Indian employees as the policy has been to leave such matters to the discretion of the Boards of Directors of Railway Companies, whose attention will, however, be drawn to the rule observed on State-worked railways.

INDIANS IN THE ARMY IN INDIA RESERVE OF OFFICERS.

1752. *Khan Bahadur Sarfaraz Hussain Khan : (*a*) Is it a fact that there are no Indians in the Indian Army Reserve of Officers ?

(*b*) If so, will the Government please state if there is any special reason for that ?

Mr. E. Burdon : (*a*) There are no Indians at present in the Army in India Reserve of Officers, the body which has taken the place of the old Indian Army Reserve of Officers.

(*b*) The matter has recently been under consideration and it has been decided that Indians should in future be eligible for admission, under conditions which it is hoped to announce shortly.

Mr. M. A. Jinnah : Will the Honourable Member state whether the announcement which it is proposed to make shortly will be made before the end of this session ?

Mr. E. Burdon : I should think it is unlikely, Sir. The whole of the Army in India Reserve of Officers has been under reconstruction since the war. It has been a matter of great difficulty to draft a scheme. The scheme so far drawn up is in a very embryo stage and I am afraid it will not be ready before the end of this session.

SALARIES AND WORKING HOURS OF POSTMEN.

1753. ***Khan Bahadur Sarfaraz Hussain Khan :** Will the Government please state :

(*a*) whether the salaries of postmen is on the same scale and their working hours the same throughout British India, or different in the different provinces ?

(*b*) what is the scale of their pay and their working hours in the North West Frontier Province and the Province of Bihar and Orissa respectively ?

Mr. H. A. Sams : (*a*) and (*b*). The salaries of postmen vary in different parts of India. The Honourable Member will find the scales of pay stated in Commerce Department Resolution No. 4737, dated the 30th July 1920, published in the Gazette of India of the 31st idem.

Theoretically the hours of work are eight throughout India, but varying local conditions preclude a rigid adherence to this principle, even within the limits of a single province.

OPIUM POLICY OF THE GOVERNMENT OF INDIA.

1754. ***Khan Bahadur Sarfaraz Hussain Khan :** Will the Government be pleased to state if they are aware that the late Mr. Gokhale had condemned and that Mahatma Gandhi condemns the opium revenue policy of the Government of India ?

The Honourable Sir Basil Blackett : I have seen statements on this subject in the Press.

DECREASE IN THE EXPORTS OF INDIAN YARN.

1755. ***Khan Bahadur Sarfaraz Hussain Khan :** Will the Government be pleased to state :

(*a*) if it is a fact that the exports of Indian yarn by sea from British India to foreign countries during the month of April

1924 were 2 million lbs., as compared with 4 million and 5 million lbs. in the corresponding period of 1923 and 1922 respectively ?

(*b*) if so, what is the cause of so much decrease in April 1924 ?

The Honourable Sir Charles Innes : (1) Yes.

(2) The decrease is principally due to reduced exports to China where, as I have already informed the Honourable Member in reply to a similar question on the 9th June last, there has in recent years been a large increase in the number and output of local spinning mills.

JUDGMENT OF MR. JUSTICE MCCARDIE IN THE O'DWYER-NAIR CASE.

1756. ***Khan Bahadur Sarfaraz Hussain Khan :** Will the Government please state :

(*a*) if they have received a copy of the judgment of Justice McCardie in the O'Dwyer-Nair case ?

(*b*) if they have, will they please lay a copy of it on the table ?

The Honourable Sir Alexander Muddiman : I have already answered this question in reply to Mr. Ranga Iyer's question† No. 1682.

RESOLUTION *re* ANSWERING OF QUESTIONS BY OFFICIALS ON SUBJECTS OVER WHICH THE GOVERNOR GENERAL IN COUNCIL HAS CONTROL AND SUPERINTENDENCE.

1757. ***Haji S. A. K. Jeelani :** Will the Government be pleased to state what action they have taken on the Resolution of Mr. K. Ahmed, M.L.A., passed by the Assembly at its last Delhi session regarding the answering of questions by officials on subjects over which the Governor General in Council has " control and superintendence ".

The Honourable Sir Alexander Muddiman : Government have decided to await the report of the Reforms Inquiry Committee before deciding what action they should take on the Resolution in question.

UNSATISFACTORY ARRANGEMENTS ON EMIGRANT STEAMERS.

1758. ***Haji S. A. K. Jeelani :** (*a*) Are the Government aware that arrangements on board the steamers, intended for carrying emigrants from India to the Colonies or *vice versa*, are most unsatisfactory ?

(*b*) Is it a fact that the services of certified midwives are not available on board an emigrant steamer ?

(*c*) Is it a fact that in the course of a voyage there generally used to be from 12 to 14 births on ships ?

(*d*) Is it a fact that whenever occasion arises necessitating the services of midwives a man or a woman emigrant is chosen for the purpose ?

(*e*) Is it a fact that there are no permanently engaged cooks on board the steamers for the services of emigrants ?

(*f*) Is it a fact that they are chosen from among the emigrants, and made to overwork themselves for a sum of 10 shillings for the whole voyage ?

† *Vide* pages 3024-25 of Legislative Assembly Debates, Vol. IV.

(*g*) Is it a fact that no separate arrangement exists in emigrant ships for married couples and unmarried women ?

(*h*) Is it a fact that the berths provided in emigrant ships for sick people are insufficient ?

(*i*) To remedy any discomforts to emigrants on board the steamer do the Government propose to modify the laws relating to the carriage of emigrants ?

Mr. J. W. Bhore : (*a*) to (*h*). Inquiries have been made in the matter from the Local Governments concerned and the Honourable Member will be informed of the result in due course.

(*i*) If the replies of Local Governments indicate that the position is in any way unsatisfactory, the Honourable Member may rest assured that the Government of India will do all they can to improve matters.

Mr. N. M. Joshi : Will the Honourable Member be pleased to give the answer to the whole House and not to the Honourable Member alone ?

Mr. J. W. Bhore : I shall lay the information on the table.

STATE CONTROL OF RAILWAY COMPANIES.

1759. ***Haji S. A. K. Jeelani :** (*a*) Will the Government be pleased to state whether they propose to take steps to widen the sphere of their control over the Railway Companies ?

(*b*) Will the Government be pleased to state the degree of control exercised by the Government of India and the various Boards of Directors located in England respectively in determining policy on broad questions of Railway administration ?

(*c*) Will the Government be pleased to state the Acts and Statutes by which the control of the State over the Railway companies is governed ?

(*d*) Are the Government aware of the fact that according to the findings of the Acworth Committee, railway rates do not generally operate to the advantage of Indian industry and that a policy of protection to indigenous industries might be nullified by manipulations of railway rates ?

(*e*) In view of the passing of the Steel Protection Bill, will the Government be pleased to state whether they contemplate revising or modifying or altering Railway rates policy ?

(*f*) With reference to the recommendations of the Industrial Commission and endorsed by the Fiscal Commission regarding the constitution of a Rates Tribunal, what action have the Government taken or propose to take ?

Mr. A. A. L. Parsons : (*a*) Government see no reason to take any such steps at present ; but the degree of control exercised by Government over Railway Companies in different matters is revised from time to time as circumstances and conditions require.

(*b*) The powers of control exercised by the Government of India over Railway Companies are stated in the Notes on the Relation of the Government to Railways in India which are printed as Appendix I of the Railway Administration Report, 1922-23, a copy of which will be found in

the Library. The determination of policy on broad questions of railway administration is reserved to Government.

(*c*) The control of the State over railway companies is governed by the Indian Railways Act 1890 and the contracts with the companies.

(*d*) No. Government are not aware that the Acworth Committee came to any such finding.

(*e*) The policy of Government and Railways has been and is to encourage indigenous industries by the quotation of suitable rates and the grant of concessions when they are feasible and likely to assist the development of the industries concerned, and increase traffic. There is no intention on the part of Government or Railways to depart from this policy and it has not been affected by the passing of the Steel Industry (Protection) Act.

(*f*) Government are in correspondence with the Secretary of State regarding the constitution of a Rates Tribunal.

1760*. This question was answered† on the 8th September.

OPENING OF THE SUTLEJ VALLEY PROJECT RAILWAY FOR GOODS AND PASSENGER TRAFFIC.

1761. ***Lala Duni Chand** : (*a*) Are Government aware that neither goods nor passegner traffic is allowed on the Sutlej Valley Project railway line, that has been recently constructed from Doraha to Nalagarh, and that the line is exclusively utilized for exporting stone from the Nalagarh quarries ?

(*b*) Are Government aware that owing to there being three unbridged hill torrent steamers (*Naddis*) between Kurali and Rupar, the route from Sirhind to Rupar, an important Sub-Division of Ambala District, has become very difficult for all kinds of traffic ?

(*c*) Is it also true that the only other route available for going to Rupar is from Doraha railway station about forty miles long *via* Sirhind Canal, and that it takes more than twelve hours to reach Rupar by boat ?

(*d*) Do the Government propose in view of the facts as stated in (*b*) and (*c*), to order the Sutlej Valley Project Railway to be thrown open to public use ?

(*e*) Will the Government be pleased to state for how long it will be necessary for them to use the said Railway for the purposes of exporting stone from the Nalagarh quarries and do the Government intend to convert the said line into a regular and permanent line for usual goods and passenger traffic, after it is no more required for its present purpose ?

(*f*) In case the Government may not be prepared to throw open the said line for the purposes of traffic immediately, will the Government be prepared to allow the use of the line for carrying goods and passengers by motor trollies, by private persons subject to any conditions that the Government may think fit to impose.

Mr. A. A. L. Parsons : (*a*) Government are aware that public goods and passenger traffic are not being carried at present on the temporary line from Doraha to Nalagarh which has been constructed by the Punjab Irrigation Department for the purpose of carrying stone from the Nalagarh quarries for the new Sutlej Valley Irrigation Project.

† *Vide* page 3010 of Legislative Assembly Debates, Vol. IV.

(*b*) and (*c*). Government have no information.

(*d*) The question of opening this temporary line for the carriage of public goods and passengers has been the subject of correspondence with the Government of the Punjab. It is known that the line was inspected in May last by the Senior Government Inspector of Railways and that he furnished a report to the Punjab Government on the works that would be necessary to allow of the line being opened for public traffic, but they have no information what the Punjab Government are doing in the matter.

(*e*) It is not known for how long it will be necessary to use this line for the purposes of exporting stone from the Nalagarh quarries. There is no intention of converting the said line into a regular and permanent line for public traffic, as it will not be wanted when the projected line from Sirhind to Rupar is built.

(*f*) This proposal would be outside the requirements of the Railway Act and cannot, therefore, be agreed to.

CASE OF HOT LALL, A POSTAL CLERK OF GUJRAT.

1762. ***Lala Duni Chand** : (*a*) Is it a fact that one Hot Lall, a postal clerk at Gujrat (Punjab) was forced to resign by the Postmaster General, Punjab, and if so, is it true that his only fault was that he had complained against another clerk, Mangal Sen, for making false receipts, and demanded an inquiry into the matter ?

(*b*) Is it also a fact that he had made a representation to the effect that the Postmaster and the Superintendent of Post Offices, being partial towards Mangal Sen, the inquiry should be held by some other officer and in spite of this the inquiry was held by the Superintendent of Post Offices ?

(*c*) Is it also true that on an appeal having been made to the Postmaster General, the said Hot Lall was assured of a fuller inquiry into his case, but the matter was kept hanging without any decision for an unusually long time, and when he pressed for the immediate disposal of his case the Postmaster General called upon him to resign, which he consequently did ?

(*d*) Do the Government propose to make inquiries in the case ?

The Honourable Mr. A. C. Chatterjee : Government have no information and I have no doubt that if the individual referred to has any grievance, he would address the Director-General or the Government in the usual manner.

Lala Duni Chand : When a question is put in the Assembly, is it not the duty of the Government to acquire all necessary information on the subject and answer the question ?

The Honourable Mr. A. C. Chatterjee : I do not think it is the duty of the Government to inquire into complaints regarding individual officers without some indication that the individual officer himself has got a grievance.

Lala Duni Chand : Then what is the use of the right of interpellation allowed to us ?

The Honourable Mr. A. C. Chatterjee : The right of interpellation, Sir, I understand, refers to matters of public interest.

Mr. K. Ahmed : Would it not be in the public interest that the *pros* and *cons* of complaints should be inquired into and the result of it should be stated by Government in the Assembly for the benefit of the public ? Does my Honourable friend realise that ?

Mr. Amar Nath Dutt : May I ask, Sir, if public service is not a matter of public interest ?

Mr. N. M. Joshi : May I ask, Sir, if the proper treatment of a Government officer is not a matter of public interest ?

NORTH WESTERN RAILWAY SLEEPER CONTRACT.

Mr. Chaman Lall : Sir, I beg leave to put the following question of which I have given private notice :

(*a*) Is it a fact that the Central Railway Advisory Council appointed a sub-committee to inquire into the contract for the supply of sleepers to the North Western Railway by Messrs. Spedding and Co., for a period of five years, if so, will Government be pleased to lay on the table the report, if any, of the said sub-committee together with any resolution that may have been adopted by the Central Railway Advisory Council thereon ?

(*b*) What action do Government contemplate in connection with the said report or resolution ?

Mr. A. A. L. Parsons : The Central Advisory Council appointed a sub-committee to inquire into the contract for the supply of sleepers to the North Western Railway by Messrs. Spedding and Co. for a period of five years, and a copy of the reports of the members of the sub-committee was laid on the table on the 3rd of this month in response to an unstarred question by my Honourable friend Lala Duni Chand. Government are prepared to lay on the table a copy of the advice which they have just received from the Central Advisory Council and also a statement of their final decision in the matter as soon as a decision has been reached.

Mr. Chaman Lall : Will the Honourable Member inform the House as to what were the four points raised by the Honourable Member himself for the decision of the Council and what the decision of the Council thereon was ?

12 NOON.

Mr. A. A. L. Parsons : I cannot remember the exact wording of them now. The Honourable Member will find them stated in the reports which have already been laid on the table.

PUBLICATION OF THE EVIDENCE RECORDED BY THE LEE COMMISSION.

Diwan Bahadur R. Ramachandra Rao : With your permission, Sir, I beg to ask a few questions of which I have given private notice to the Honourable the Leader of the House and to the Honourable Sir Charles Innes.

Will the Government be pleased to state whether the Government of India informed the Secretary of State of the desire of this Assembly expressed in the debate in June last, for making available to the Assembly the evidence taken by the Royal Commission on Public Services, and to state if any, the reply received from the Secretary of State on the subject ?

The Honourable Sir Alexander Muddiman : The Government of India communicated to the Secretary of State the views expressed in

the debate in June last on the question whether the evidence given before the Lee Commission could be made available and consulted him as to whether it was feasible in any way to meet the wishes of the House. The Warrant of Appointment did not require the Commission to publish the evidence, and although, as stated in paragraph 107 of the Report, they deposited a copy of the evidence with the Secretary of State, they were under no constitutional obligation to do so. In these circumstances the Secretary of State felt bound to respect the decision of the Commission that their evidence should not be published.

Diwan Bahadur T. Rangachariar : Is there any precedent for authorising any Commission not to publish evidence ? Is there any specific instruction given to that effect to any Commission ?

The Honourable Sir Alexander Muddiman : I am not acquainted with the Warrants of Royal Commissions. But in view of the Secretary of State's reply to us, I suppose it is so.

Mr. M. A. Jinnah : May I know whether the Government propose to place before this House, any materials upon which the recommendations of the Royal Commission were made save and except the extracts from the representations received from certain Imperial Service Associations and so on subsequently ?

The Honourable Sir Alexander Muddiman : I hope to place evidence before Honourable Members in my speech on the Resolution.

Diwan Bahadur M. Ramachandra Rao : Apart from your speech, is there any other material other than the evidence recorded by the Royal Commission ?

The Honourable Sir Alexander Muddiman : We laid on the table replies of the Local Governments.

VIEWS OF LOCAL LEGISLATURES ON THE RECOMMENDATIONS OF THE LEE COMMISSION.

Diwan Bahadur M. Ramachandra Rao : Will the Government be pleased to state :

(*a*) whether they desired the Local Governments to obtain the views of the local Legislatures on the recommendations of the Lee Commission,

(*b*) whether the Lee Commission Report was discussed in any of the Legislative Councils in the Provinces, and to place on the table the Resolutions, if any, adopted by them ?

The Honourable Sir Alexander Muddiman : The answer to part (*a*) of the question is in the negative and to part (*b*) the Government of India have received copies of Resolutions adopted in the Assam and Madras Legislative Councils and these are placed on the table*.

Pandit Madan Mohan Malaviya : May I invite the attention of the Honourable Member to the paragraph in the Warrant of Appointment where it is said :

"And for the better effecting the purposes of this Our Commission, We do by these Presents give and grant unto you, or any three or more of you, full power, at any place in Our said United Kingdom of Great Britain and Ireland, or in India, to call before you such persons as you shall judge likely to afford you any information upon the subject of this Our Commission ; and also, whether in Our said United Kingdom, or in India, to call for information in writing ; to call for, have access to and examine all such books, documents, registers and records as may afford you the fullest information on the subject, and to inquire of and concerning the premises by all other lawful ways and means whatsoever."

* *Vide* Appendix "B" to these Debates.

Does not that imply that the Commission were bound to produce evidence which they recorded ?

The Honourable Sir Alexander Muddiman : Sir, it is a matter of opinion.

VIEWS OF LOCAL GOVERNMENTS ON THE RECOMMENDATIONS OF THE LEE COMMISSION.

Diwan Bahadur M. Ramachandra Rao : Will the Government be pleased to place on the table the views of the Local Governments, (including those of the Ministers) on the questions discussed in the Report ?

The Honourable Sir Alexander Muddiman : They have been laid.

Diwan Bahadur M. Ramachandra Rao : When were they laid ?

The Honourable Sir Alexander Muddiman : I understand at the first meeting, in answer to an unstarred question.

Diwan Bahadur M. Ramachandra Rao : Have the copies of the views of the Local Governments been supplied to Members ?

The Honourable Sir Alexander Muddiman : That, Sir, I am not aware of.

Diwan Bahadur M. Ramachandra Rao : May I know whether the Honourable the Home Member does not consider it necessary or desirable that we should have copies of the views of the Local Governments ?

The Honourable Sir Alexander Muddiman : Certainly. I laid them on the table at the first possible date and it has been open to any Member to obtain copies of them.

Diwan Bahadur M. Ramachandra Rao : Will the Honourable Member now at least take this opportunity of having those copies distributed in the House ?

The Honourable Sir Alexander Muddiman : Certainly, Sir, if sufficient copies are available.

Diwan Bahadur T. Rangachariar : May I draw the Honourable the Leader's attention to the terms of the Islington Commission which run exactly on the same lines as the present Warrant and to the fact that they published their evidence ?

The Honourable Sir Alexander Muddiman : I do not think it has been suggested that it was not open to the Royal Commission to publish their evidence. The question with which we are concerned was whether, when they refused to exercise their discretions in this direction, there is anything to be done.

Mr. M. A. Jinnah : Do the Government expect this House to deal with the recommendations without any materials ?

The Honourable Sir Alexander Muddiman : I hope the House has considerable materials.

Diwan Bahadur T. Rangachariar : Does the Honourable the Leader of the House expect to convince the House on the spot on a very detailed matter like that ?

Mr. Chaman Lall : May I ask the Honourable Member whether the Warrant of Appointment of the 1886-87 Committee and of the Islington Commission also contained express provisions like these ?

The Honourable Sir Alexander Muddiman : I have said that I have not got these Warrants before me. I do not know what they contained.

Mr. A. Rangaswami Iyengar : If the Honourable Member cannot place before us the materials or the evidence upon which this report was arrived at, may we know for what purpose this Report is placed before us without materials ?

Sir Purshotamdas Thakurdas : May I know whether the Government of India had the privilege of seeing the evidence before it was deposited with the Secretary of State ?

The Honourable Sir Alexander Muddiman : I certainly never saw it.

Sir Purshotamdas Thakurdas : I will repeat my question. My question was, whether the Government of India had an opportunity of examining or seeing this evidence before it was lodged with the Secretary of State ?

The Honourable Sir Alexander Muddiman : No.

Sir Purshotamdas Thakurdas : Then I take it that the Government of India have come to their decision regarding the Honourable Member's Resolution that is coming on for discussion without seeing the evidence ?

The Honourable Sir Alexander Muddiman : Certainly, Sir.

Sir Purshotamdas Thakurdas : Is there any precedent, Sir, where the Government of India have come to a decision without seeing the evidence of a Committee or a Commission ?

The Honourable Sir Alexander Muddiman : There are many precedents, Sir, where the Government of India have come to decisions on reports which contained no evidence.

Sir Purshotamdas Thakurdas : Does that mean that the Government of India were prevented from having access to the evidence if they wanted to see it, Sir, in these precedents ?

The Honourable Sir Alexander Muddiman : That, Sir, I am not prepared to answer without notice.

Sir Purshotamdas Thakurdas : Will the Government be pleased to mention one or two precedents ? Will the Honourable Member please mention one or two precedents he has in mind ? He said there were many.

The Honourable Sir Alexander Muddiman : I have been a Government officer for many years and I certainly know many cases—I cannot quote one at the moment, I might quote a wrong one—I certainly know many cases where Government have come to conclusions without considering the evidence recorded by the Commission. I take it that the Government may come to a conclusion on the report of the Indian Bar Committee without examining the evidence and also—my Honourable friend reminds me—there is the case of the Inchcape Committee.

Mr. Amar Nath Dutt : Was it intuition on the part of the Government of India ?

Diwan Bahadur M. Ramachandra Rao : The Honourable Member proposed to place before us certain materials on which the Government came to a conclusion on the Report of the Royal Commission. May I know whether those materials are independent of the materials on which the Commission arrived at their conclusions ? Are they quite different ?

The Honourable Sir Alexander Muddiman: Some of them are no doubt different.

Mr. M. A. Jinnah : Will the Government place before this House those materials upon which they have come to a conclusion independently of the materials placed before the Royal Commission ?

The Honourable Sir Alexander Muddiman : I shall endeavour to convince the House in the course of my Resolution that they should adopt the Report which is in their hands, which is the basis of the Resolution.

Sir Purshotamdas Thakurdas : Are Government aware that the Inchcape Committee never examined a single person outside Government officials ?

The Honourable Sir Alexander Muddiman : I am not aware of that.

Sir Purshotamdas Thakurdas : Will the Honourable the Leader of the House take it from me that they never examined a single non-official witness and that they only examined Government officials, and therefore, whatever information was given to the Inchcape Committee was available and was in possession of the Government of India ?

The Honourable Sir Charles Innes : May I ask whether the Honourable Member is aware that the Inchcape Committee examined Agents of certain Company Railways, who are not Government officials ?

Sir Purshotamdas Thakurdas : Are not Government always in a position to get information from them ?

Mr. President : These questions are becoming irrelevant.

Sir Purshotamdas Thakurdas : That part was raised by the Government Benches.

RAILWAY COLLISION AT HARAPPA ROAD, NORTH WESTERN RAILWAY.

Diwan Bahadur M. Ramachandra Rao : (*a*) Will the Government be pleased to make a statement as to whether they have received any reports in regard to the Railway collision at Harappa Road, and the circumstances under which the collision took place, and the number of casualties due to the collision ?

(*b*) Will the Government be pleased to state whether there is any intention to pay any compensation to the persons who received injuries in the collision and to the families of the persons who were killed in the collision ?

The Honourable Sir Charles Innes : Before I answer this question, Sir, I should like to take this opportunity of saying how deeply the Government of India and the Railway Board regret this accident which is one of the most terrible accidents that have happened on the Indian Railways in recent years. I should also like to express our great sympathy with the relatives of those who were unfortunately killed in the accident and with those who were injured.

(*a*) The Government have received a preliminary report regarding this accident, but the House will understand that I must be guarded in my reply, for a magisterial inquiry is now in progress, and it is reported in the press that an Assistant Station Master has already been arrested. The North Western Railway has already published very full information

regarding casualties. They amounted to 97 deaths and 105 injured. Of the former, one was a railway employee, 4 were postal sorters, one was a policeman and one was a prisoner. The remaining casualties were all Indian third class passengers. The accident took place at 1-18 hours on the morning of the 29th August. A relief train arrived at the spot at 5 hours. It brought railway officers from Lahore and Montgomery, a magistrate from Montgomery and the Assistant Inspecor General, Railway Police. The Senior Government Inspector travelled by the same train, and in accordance with standing orders began his investigation on the 30th August. It was continued on the 31st August and 1st September. It is his preliminary report that has been received. The cause of the accident was as follows :

It was arranged that No. 43 up and No. 24 down passenger trains should cross on the morning of 29th August at Harappa Road Station which is the time-table station for the crossing of the trains. Harappa Road is on the Montgomery-Khanewal line, on which line train control is in force. That is to say, the working of all trains between the various stations on this length is subject to the orders issued by the Train Controller to individual Station Masters. But these orders do not in any way absolve Station Masters from their responsibility for the safe working of trains. No. 24 down had lost a little time, and it was found that if the crossing was made at Harappa Road, as originally intended, No. 43 up would be unnecessarily detained. Orders were therefore issued for the crossing to be made not at Harappa Road but at Mirdad Muafi. The Senior Government Inspector's preliminary report indicates that line clear was given for 43 up to run from Harappa Road to Mirdad Muafi without the line clear which has already been issued for 24 down to run from Mirdad Muafi to Harappa Road having been correctly cancelled and taken back in accordance with the rules for the safe working of trains on single lines of Railway. The Senior Government Inspector was of opinion that this was the cause of the accident, but the question is one which must finally be settled by the Courts.

(*b*) The North Western Railway are already investigating all cases for compensation.

Mr. Harchandrai Vishindas : Might I inquire, Sir, if the Government contemplate devising any measures in order to prevent such appalling disasters in the future by the collision of trains ?

The Honourable Sir Charles Innes : That, Sir, is one of the main objects of the Senior Government Inspector's inquiry. We shall require him to make recommendations how such disasters can be averted in the future. He has only sent in a preliminary report, but he will send in a further report on this question.

Mr. Harchandrai Vishindas : Might I further inquire whether the Government will be prepared to pay compensation to the relatives of those whose lives have been lost in this accident ?

The Honourable Sir Charles Innes : All these cases are already under investigation by the Railway Administration and we may depend upon the Railway Administration to be generous in a matter of this kind.

Diwan Bahadur T. Rangachariar : Will the Government consider the desirability of having a double track on these congested areas ?

The Honourable Sir Charles Innes : I do not know if this line is a congested one. It is rather a large order for me to give an undertaking to have a double track.

Lala Duni Chand : Is it a fact that good many persons out of those wounded in this accident have died ? Will the Honourable Member give the exact number of these ?

The Honourable Sir Charles Innes : I understand that the death roll at the present moment is 97.

Pandit Madan Mohan Malaviya : In view of the appalling loss of life, will the Government be pleased to associate two non-official Members of this Assembly with the inquiry which is going on ?

The Honourable Sir Charles Innes : The inquiry which is going on at this particular moment is a magisterial inquiry. The Government Inspector's inquiry is an inquiry on the lines of the Board of Trade inquiry at Home. Our rules are modelled on those of the Board of Trade in England. It is a technical inquiry and the primary reason for that inquiry is to have an investigation by a technical expert as to what the cause of the accident was and what measures can be taken to avert similar accidents in the future. That is the whole object of the inquiry. It is not possible—in any case it is not considered advisable—to associate the public with a technical inquiry of that kind, because that inquiry may lead to railway officers being prosecuted, and it is considered that we must not do anything in an inquiry of that kind which possibly may prejudice those railway officials in a subsequent trial.

Pandit Madan Mohan Malaviya : In view of the fact that a large number of persons have suffered either loss of life or injury, will not the Government consider the desirability of appointing a larger Committee in which the public would be represented and in which the facts relating to the disaster would be thoroughly inquired into and reported upon ?

The Honourable Sir Charles Innes : I cannot imagine, Sir, what more can the public require than a formal magisterial inquiry into a matter of this kind.

Pandit Shamlal Nehru : May I know, Sir, if the Government are aware that an employee of the Great Indian Peninsula Railway has invented an instrument which makes such disasters impossible and that the Great Indian Peninsula Railway have already fitted up this instrument at one of their railway stations, which is on the other side of Itarsi ?

The Honourable Sir Charles Innes : I have no doubt that all points of that kind will be reported upon by the Senior Government Inspector when he sends in his final report on the cause of the accident and the measures to be taken to avert such accidents in the future.

Mr. Harchandrai Vishindas : May I inquire, Sir, whether that report will be brought to the notice of this House ?

The Honourable Sir Charles Innes : I shall certainly publish that report when it is received.

Mr. M. A. Jinnah : The question put by Pandit Shamlal Nehru was whether the Government are aware of the instrument invented by an employee of the Great Indian Peninsula Railway ?

The Honourable Sir Charles Innes : I am afraid I am not aware of it.

Mr. C. D. M. Hindley : May I say that I am aware of this invention. I have seen it mentioned in the press that it is being tried on the Great Indian Peninsula Railway. I have no official information about this trial, but I know that there are instruments designed to avert accidents of this nature which are in course of being tried.

Pandit Shamlal Nehru : Will the Honourable Member get that information ?

Mr. C. D. M. Hindley : What information ?

Pandit Shamlal Nehru : The information about this instrument ?

Mr. C. D. M. Hindley : I have already said that I have seen some information on this question in the press. I take it from the Honourable Member that this instrument is being tried on the Great Indian Peninsula Railway. It would be premature to express any opinion on this particular instrument.

Mr. Harchandrai Vishindas : Is it a fact that these instruments are in the nature of searchlights in front of each train which give a very long warning to the other train coming from the other side and thus avoid collisions ?

Mr. C. D. M. Hindley : I think the device that was referred to in the first question is a device in connection with the stopping of the train itself and has nothing to do with the use of searchlights.

Mr. President : Further questions on this point had better await the moment when Government will be in a position to give further information.

BILLS PASSED BY THE COUNCIL OF STATE.

Secretary of the Assembly : Sir, in accordance with Rule 25 of the Indian Legislative Rules, I lay on the table the Bills which were passed by the Council of State at its meeting of the 8th September, 1924. They are :

(1) A Bill to consolidate and amend the law to provide for the special protection in respect of civil and revenue litigation of Indian soldiers serving under special conditions.

(2) A Bill further to amend the Indian Motor Vehicles Act, 1914, for certain purposes.

THE INDIAN CRIMINAL LAW AMENDMENT BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, for the purpose of affording greater protection to persons under the age of eighteen years.

THE EXTERNAL CAPITAL COMMITTEE.

ELECTION OF MEMBERS.

Mr. President : The Assembly will now proceed to elect four members to serve on the External Capital Committee. The following gentlemen

have been proposed for election to serve on the Committee to consider the question of the flow of capital into India from external sources :

Mr. W. S. J. Willson,
Dr. H. S. Gour,
Maulvi Abul Kasem,
Sir P. S. Sivaswamy Aiyer,
Pandit Madan Mohan Malaviya,
Sir Purshotamdas Thakurdas,
Mr. K. G. Lohokare, and
Mr. V. J. Patel.

Four members are to be elected to the Committee. The instructions are printed on the ballot paper which will now be had from the Secretary.

(The Ballot was then taken.)

Mr. President : Members having recorded their votes, the result of the election will be announced in due course.

RESOLUTION *RE* RECOMMENDATIONS OF THE LEE COMMISSION.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I rise to move the Resolution* which stands in my name, and in doing so I wish to remind the House that I am redeeming a pledge which was given by the Government on several occasions that, before orders were passed on the recommendations of the Royal Commission on the Superior Civil Services, the Indian Legislature should be given an opportunity of expressing its opinion on those recommendations.

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* " This Assembly recommends to the Governor General in Council :

(1) That the following recommendations of the Royal Commission on the Superior Civil Services in India be in principle approved :

(*a*) that while the existing system of appointment and control of the All-India Services should, in present conditions, be maintained in reserved fields, the following services operating in transferred fields, namely, the Indian Educational Service, the Indian Agricultural Service, the Indian Veterinary Service, the Buildings and Roads Branch of the Indian Service of Engineers in those provinces in which the two branches have been separated, and the Indian Forest Service in Bombay and Burma, should, so far as future recruits are concerned, be appointed and controlled by Local Governments ;

(*b*) that recruitment of Indians for the Services in reserved fields should be increased as recommended ;

(*c*) that, having particular regard to recommendation (*a*), early steps be taken to constitute the Public Service Commission contemplated by section 96-C. of the Government of India Act, and to enact such legislation as may be necessary ;

(2) That pay, passage concessions and pensions be granted to the officers of the Superior Civil Services in India approximately on the scale recommended ; and

(3) That the recommendations of the Royal Commission regarding the constitution of Provincial Medical Services in Governors' Provinces be accepted in principle, subject to :

(*a*) the employment in the provinces of an adequate military reserve ;

(*b*) the provision of adequate medical attendance for British Officers in the Civil Services and their families ; and

(*c*) the further consideration of the conditions necessary to secure an adequate number of British medical recruits for the needs of the Army."

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Before I go further, I should like for a moment to invite the attention of the House to the history of the appointment of this Committee. This House opposed its appointment very bitterly, but as I gather somewhat less bitterly when it found that the scope of the reference to the Commission was wider than it originally believed it to be. In fact, in reading the debate in connection with the appointment of the Commission—for I was not then a Member of this House,—I was struck by the fact that one speaker after another based his opposition on the fear that the Commission, both in the matter of the control of the Services, and in the matter of Indianisation, would recommend a reactionary policy and would go back on the conclusions arrived at in the Montagu-Chelmsford Report. I need hardly point out that the Commission, as a matter of fact, has made in both respects an immense advance on the position contemplated in the Montagu-Chelmsford Report. However that may be, it is perfectly true that the Report of the Commission comes, as it were, with a certain sense of prejudice before this House. But I think this House is far too fair to allow its judgment to be obscured by any feeling of pique, by any feeling of dissatisfaction at the fact that its wishes were not attended to when the Commission was appointed. You have the Report ; *factum valet* you have to consider it. I will invite the attention of the House to the terms of reference. What were they ? They were as follows : In the first place, the Commission was to have regard to " the necessity for maintaining a standard of administration in conformity with the responsibilities of the Crown for the Government of India." That is to say they were to make no recommendation which would in any way upset or conflict with that responsibility. In the second place, their attention is invited to " the declared policy of Parliament in respect of the increasing association of Indians in every branch of the administration." In other words, they were directed to explore the possibilities of further advances in the Indianisation of the Services. Lastly, they were directed to keep in view " the experience now gained of the operation of the system of government established by the Government of India Act in respect of the Superior Civil Services in India." That is to say, they were required to say whether the actual operation of the scheme of government established by that Act had disclosed anomalies in the organisation and general conditions of service, which ought to be removed. Sir, the Commission has been severely criticised, and I think unfairly criticised, for not doing what it was not directed to do. This, Sir, was not a body charged with the reform of the constitution ; its duty was to make proposals which would adapt the organisation of the Services to the existing constitution. It is idle to blame the Commission for not doing what it was not directed to do. However, I shall endeavour to show later, if it is necessary for me to do so, that the Commission were not oblivious of the fact that alterations in the constitution might take place in the future. There is nothing in the Report of the Commission in my judgment which justifies a charge that their recommendations impede constitutional progress. And what was the tribunal to which these great issues were referred ? Its President was an ex-Cabinet Minister, who has told us himself, that he has no Indian past and no Indian future. Of the Englishmen on the Committee, two were men who had never visited this country and had no material interest in the country ; and of the other members of the

Committee there were four representative Indians, Indians whose names have been honoured highly by their own countrymen, and in this connection, Sir, with your permission I should like to digress for one moment to express my great regret that my personal friend, Mr. Bhupendra Nath Basu, has been prevented from carrying on his important duties in Bengal and has had to resign owing to ill-health.

To return to the constitution of the Commission, there was only one member of the Services on the Committee who was still serving. The other *ex*-Service member was Sir Reginald Craddock, who is well known to his House, a man of the most extensive experience, the last of the Lieutenant-Governors. So the Service element was not over-represented. Now when I read the personnel of the Commission—and in those days I had no personal concern in it ; I was an impartial observer—perhaps more so than I am now—I must say I never thought that the opinion of a Committee so constituted was very likely to be unanimous. Yet, Sir, the Report was unanimous and, when you get a unanimous Report from a Commission representing so many diverse races and so many diverse elements, I say that that fact must be borne in mind when this House comes to deal with it. I hope the House will not ignore that fact in considering the Committee's recommendations.

Another feature is that it is evident that many of the recommendations are the result of a compromise, and the value of a fair-minded compromise is very great. The Report itself refers to " the spirit of compromise which has inspired our agreed conclusions." Honourable Members will find that in paragraph 108 of the Report.

Now before I turn to the actual proposals of the Commission, there is a further point that I should like to bring to the attention of the House, and that is the position of the Services in any country and *vis-a-vis* any Government. The position of the Services, I submit, in no country is that of direct contact with the Legislature. The Executive Government is the master of the Services and at the same time their protector. It is a body interposed in all normal constitutions between the Legislature and the Services. That is a fact that I hope all those who look forward to the advance of India in the direction of responsible government will bear in mind. In the past the coincidence between the functions of the Services and the functions of the Government has done much to create feelings which are not really justifiable in regard to the Services. If a particular policy of Government creates odium, then let Government take it—do not transfer it to the Services. It is to be remembered, moreover, that in any country, however democratic, nine-tenths of the actual work of government is discharged by the Services. Listen to what Professor Ramsay Muir says ; he is writing about conditions in England, and he says :

" It is no exaggeration to say that so far as concerns the carrying on of the daily administration and the enforcement of the existing laws, which is nine-tenths of the business of Government, this country is governed by a pure bureaucracy."

That is, even in England, after centuries of democratic experience, it is not possible to dispense with a bureaucratic machine ; and I do wish to impress upon the House the importance of realising how essential is the executive machinery in whatever way it may be directed and whoever may be its head. You may have the ablest of Ministers ; you may have

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a Legislature like this Legislature informed with wisdom ; you may have a Government of the most admirable character ; but if you have not a body of officers to carry out the policy of that Government, you are like a man without arms. You will be helpless and it will involve the failure of your administration.

And now I want to draw your attention to the fact that you have in India a large body of public servants carrying on the administration. It is a legitimate ground for pride that they are of a very high grade of efficiency, and I do not refer to the British officers only but to the great multitude, for the most part Indians, who are industriously and ably carrying on the details of the administration of this country. I appeal to the House that, where they find the actions of Government are not to their liking, they should confine their attack to the Government whose shoulders are broad enough to bear it and not attack the instruments of that Government ; and they should treat the Services reasonably and with justice and allow them to go about their work unhampered by considerations of policy.

Now, Sir, I come to the definite proposals made by the Commission for the control of the All-India Services which are embodied in the terms of the Resolution now before the House. At present, as the House is aware, the control is vested completely in the Secretary of State who lays down the conditions of service, the proportion of Europeans and the proportion of Indians ; he fixes the pay ; he sanctions the posts, and in the last resort the Services have an appeal to him. Now the Commission leave this position unchanged in the case of certain services while in the case of others it makes very important changes. Put in a nutshell the recommendations of the Committee appear to me to amount to this—that the Services should be controlled by the authority which is ultimately responsible for the administration of the subjects with which they deal. I could not quote any passage in the Report which in so many words states the position in that form, but I think it not an unfair general statement of the case. Now this is a two-sided argument or rather, it is a two-sided application of a single principle. The policy which it embodies should be regarded as a whole. The same argument which justifies the retention of the Secretary of State's control over the Services in the reserved field can be applied to justify the transfer of control over the Services in the transferred field. Under the recommendations of the Committee the Services in the reserved field will be only four—the Indian Civil Service, the Indian Police Service, a portion of the Indian Service of Engineers, namely, the Irrigation Branch, and the Forest Service except in the Provinces of Bombay and Burma. These Services are dealing with subjects over which Parliament has reserved the ultimate responsibility to itself, and the logical conclusion is that the utimate authority responsible for the efficiency of the Services must be the one directly responsible to Parliament, namely, the Secretary of State. As the Constitution stands at present, it is difficult to put forward any other logical proposition. It has been contended no doubt that the Secretary of State should delegate his control over these Services to the Government of India. Now, Sir, the Government of India, as the House is well aware, is not a final constitutional authority. If those powers were delegated to it, as the Constitution now stands, it will not be responsible to Parliament, it will not be responsible to this Legislature.

I will now turn to the other side of the scheme put forward by the Commission that is, the control of the Services operating in the transferred

field. They are the Indian Educational Service, the Veterinary Service, the Agricultural Service, the Indian Forest Service in Bombay and Burma, and the Buildings and Roads Branch of the Indian Service of Engineers. I leave on one side for the present the Indian Medical Service to which I shall refer later. I will not labour the argument I have used before, for the same argument which justifies the retention of control in the reserved field calls for the transfer of control to the Local Governments in the transferred field. I will not conceal from the House that in my opinion—and what is more important—in the opinion of the Government of India, these proposals are of a very far-reaching nature. They affect important Services and mark a new departure. Take one example. Now educational advance, as I understand, is a matter in which every Member of this House is greatly interested. The administration of educational policy will in future be left to Services not such as those the Secretary of State may approve, but such as those the Provincial Governments in the transferred half will approve. It will be for them to say if they want any more Englishmen. It will be for them to regulate these Services, and that is all that any Government, however democratic, can expect to do. Similarly, with regard to the other Services to which I have referred. Now, whatever our views about it may be, it is a very great step and one of great importance to this country. The Commission decided to recommend it and the Government of India have decided to support it. Once the Services are handed over to Provincial control, it is at the same time essential—and here I think everybody in the House is with me—that they should be safeguarded from the insidious attacks of political influence. I need not enlarge on the experience of other countries. Canada and the United States have learned their lesson and it is not for this country to fall into those mistakes from which they had great difficulty in retrieving themselves. The exact measure which may be required for safeguarding the Services will require careful consideration, and the House will not expect me to express any detailed opinions to-day, but it is clear that the safeguards required must take two general forms. In the first place, as is recommended by the Royal Commission in paragraph 16 of their Report, it will be necessary to pass certain Public Service Acts with a view to secure selection over the widest possible field on merits and qualifications and to reduce the risks of political interference, to lay down procedure for punishment and appeals and to provide definite conditions in regard to such matters as pay, pensions and leave. In the second place, it will be necessary to constitute a Public Service Commission. I do not propose in the short time available to go into the delicate question of the exact functions which this Public Service Commission should perform ; nor am I at present in a position to state whether it may or may not be necessary to constitute Public Service Commissions in the Provinces. I merely wish to indicate that some organization of the form of a Public Service Commission will undoubtedly be required as forming an essential part of the safeguards of the transferred Services. Without such safeguards we could not as a Government contemplate with equanimity the transfer of the control of the Services.

I have left to the end the question of the Indian Medical Service, for it has many complications which fortunately are peculiar to itself. I will leave it to my Honourable Colleague to develop in greater detail the recommendations of the Commission in regard to this Service. I will only say that the question is one of extraordinary complexity and difficulty and no hasty decision should be taken on it. There is the military problem, there is the difficult question of the military medical reserve to be available in

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time of war. But subject to these considerations we are provisionally in favour of the suggestion of the Royal Commission that so far as the non-military personnel of the civil medical administration is concerned Provinces should be allowed to develop their own Provincial Medical Services. The exact method of reconciling these two elements—the Provincial Medical and the military medical reserve—will require most careful and detailed consideration.

I would refer and very briefly to the recommendation regarding the provision of British medical attendance for British civil officers and their families. In so far as this can be done we feel that it ought to be done, and so far as we are able to judge the recommendations of the Commission apparently would not entail an appreciably larger and possibly not so large a number of British doctors as would in any case be required to be employed as a military reserve. I have dealt with this point very lightly for as I have said my Honourable Colleague will develop it in greater detail.

I now turn to the next point, namely, the Indianization of the Services. I will say here that the Commission approached this matter from a standpoint very different from that of the Islington Commission.

They say :

"In the days of the Islington Commission the question was how many Indians should be admitted in the public services, it is now become what is the minimum number of Englishmen which must still be recruited."

Well, Sir, this is a great change and it is a change which has come over the scene in a very few years. The Islington Commission reported in 1915. And in these few years we have come to a position which surely is one that must be accepted by everyone in this House, for I will not suppose that there is any one in this House prepared to say that no Englishmen will be required for India in the future.

I will quote what the Montagu-Chelmsford Report says on the question of the retention of a British element in the Services :

"Do the changes which we propose point to the gradual, possibly the rapid, extrusion of the Englishman with all the consequences that may follow the reform? Is it conceivable that India's only surviving connection with the Empire will be found in the presence of British troops for the purpose of defending her borders? We may say at once that the last contingency cannot be contemplated. At least so long as the Empire is charged with the defence of India a substantial element of English must remain and must be secured both in her Government and in her Public Services."

I would like to analyse in a little detail the proposals of the Commission so that the House may realise what it is that they actually mean. I must confess that I myself received rather a shock when I first saw the figures. I take the All-India Services. The present sanctioned strength is 4,279 ; their actual number is just under 4,000. I estimate that on the proposals of the Commission about 1,300 posts, so far as future recruits are concerned, will be provincialised, and I will assume that this means practically complete Indianization. There will remain something under 3,000 posts on an All-India basis, but of these 3,000 it is contemplated that the greater portion will eventually be filled by Indians. In every case except the Police it is recommended that Indian recruitment to these Services should be more than half the total, while in the Police it is proposed to recruit half and half. If the proposals of the Commission are given effect to, there will, I estimate, eventually remain in the All-India

Services only some 1,300 British Officers including the doctors of the military reserve. If we confine our consideration to the two security Services—the I. C. S. and the Indian Police Service, the number of posts which will eventually be held by Europeans on the proposals of the Commission is less than 900.

I sometimes wonder if it is realised that when the Indian Civil Service consists half of Europeans and half of Indians there will only be 675 British officers employed in the whole of India in the important tasks which this Service performs, and of this number less than 400 will be filling posts of major responsibility, the remainder being under training in less responsible posts or on leave. Is it really suggested that in the condition of India some 400 British officers employed in important Secretariat or administrative posts, as heads of districts, as Sessions Judges, as Political officers and the like is an excessive number in a country with more than 300 million inhabitants ?

If we look at the problem from this point of view I think few will deny that the proposals of the Lee Commission go to the very limit of safety. I do not wish to emphasize the existence of communal and provincial feeling or to lay undue stress on the conditions which I am told every day are evanescent but to which it is impossible to shut one's eyes. I have been twenty-five years in this country and I see no signs of their disappearance—I lay no further stress on that point. I for one cannot believe that this country can afford or will wish to dispense with the services of British officers. But I may be told that what is really needed is not the disappearance of the British official in India altogether, but the more rapid substitution of Indians. That, Sir, is the policy of Government within limits. But let me remind you that a service is an organism of slow growth; a few enter it, a few leave it every year. To those who complain that Indianization makes slow progress let me cite the figures for the Indian Civil Service. There are at present 165 Indians in the Service. Of these 86, that is more than half, have entered within the last five years. And this was under a system of recruitment which gave Indians appreciably less than 40 per cent. of the vacancies. The Lee Commission propose to give them 60 per cent., and in the next five years, if recruitment is normal it is quite clear that as many Indians will enter the Service as the total number that is in it at present. It has been freely argued that European recruitment should be stopped altogether. The more cautious of those who make this demand suggest that it should be stopped only for a time in order that the process of Indianization may be speeded up to a maximum. Do they honestly think that it would ever be possible to revive British recruitment when once it had been stopped ? Others point to the number of British officers at present in the Services—some 3,000 in all the All-India Services—and argue that for the next 15 or 20 years they will provide all the British element that the country needs. But do they believe that if British recruitment were closed down everything would go on in the Services as before ? Have they no fear that such an announcement might lead to a considerable exodus of British officers ? There are some I know who would welcome this result, but I believe very many others would sincerely lament it. I return to the proposals of the Commission. (*Diwan Bahadur T. Rangachariar* : " Will you explain that point " ?) What I was suggesting to the House was that it will not be without its effect on the existing members of the Service. That is my view : it may not be yours.

[Sir Alexander Muddiman.]

Now let me explain the proposals in terms of the recruits we need. We need annually about 22 British recruits for the Indian Civil Service, 15 for the Police, and perhaps 8 for the other two Services. This would give you a total recruitment of 45. We shall be losing British officers by retirement according to normal calculations at the rate of about 120 a year, that is, for every 10 British officers that retire from the All-India Services we shall recruit not more than 4.

1 P.M.

And now, Sir, there is another point. I have often discussed this question with Indian friends—and I hope I have many Indian friends—and I cannot help feeling that in the back of their minds there has always been a feeling that Englishmen in this country desire to keep up English recruitment for selfish reasons ; that they wish to keep the jobs for their children or their cousins and that they have at the back of their minds some reservation of that sort. Now, I ask you, Sir, 45 British recruits a year—is that a fact which is going to affect an Empire like ours or a race like mine ?—45 recruits ? Why, there are many big commercial undertakings which will require nearly that number of recruits. I may be wrong—but I have always thought that the feeling to which I have referred was present in the minds of many of the people with whom I have discussed this question.

Now, I have one word to say on a point which has given rise I understand to some anxiety in the Muhammadan community. They at any rate have recognised that the recommendation of the Lee Commission will involve very large increased recruitment of Indians, and they are somewhat apprehensive that they may not get a reasonable share of these appointments. It is not only particular communities which put forward claims of this nature, but many of the Provinces show a tendency to insist, that, as far as possible, strangers from other Provinces should not be placed in their Services. Now, no concession can be made to claims of this kind without departing to some extent from the principle of free competitive examination. This House has passed a Resolution affirming the principle that the Services should not be unduly overweighted with representatives of any one community or Province. It is evident that this question must be taken into careful consideration in connection with the large increased rates of recruitment for Indians arising out of the Lee Commission, and I may say that the matter is one which the Government of India have at the present moment under their close attention.

I pass to the second part of my subject, the financial relief of the Services. It is no new question. Now, the Commission, and the Government of India also, must approach this question from two points of view—that is, in the first place, the relief of the present incumbents ; and, in the second place, the encouragement of recruitment. Both are of the greatest importance but I will refer later to the question of recruitment and will review now the case for general relief. The pay of the Superior Services had been under consideration and discussion now for many years. I do not propose to take the story back before 1912, by which year it had been realised that something would have to be done. Prices had been rising steadily for many years, while salaries for the most part had remained unchanged. These conditions had by 1912 produced a considerable amount of discontent. Now, there is one important point to which I wish to draw the attention of the House, and that is, that these complaints

were made before the war and long before the Reforms. I have often heard it said that the Services are asking for more pay as a bargain for the Reforms. Nothing is more untrue.

As I have said by 1912 the Services were beginning to feel the effect of the constant rise in prices. That prices have risen hardly needs demonstration, but the House will want some facts, and in this connection I will refer them to a Report which is well known to most of them. The Government of India placed an eminent Indian gentleman, Mr. K. L. Datta, on special duty to conduct an elaborate inquiry into the facts, and this Report is no doubt familiar to the House. He found that in the period 1890-1912 the general level of wholesale prices rose by 36 per cent. ; of domestic servants by some 50 per cent. and the average wage of all labourers by about 60 per cent. Roughly there was a 50 per cent. rise all round. It is, therefore, not surprising that the Services in 1912 were beginning to feel the effects of these rises. In that year the Islington Commission was appointed. They took two and a half years over that job. They took plenty of evidence and they published many volumes of it. Well, by the time the Report reached the Government of India, the great war had come on and the consideration of the Report was deferred and the Report was not actually published till January 1917. In the meantime the facts on which the Report was based had changed and were daily changing out of recognition. The war had, in India as elsewhere, produced an upheaval of prices and the recommendations of the Commission were out-of-date before they were considered, before they were even commenced to be considered, and the consideration itself was a lengthy process. It was not till the end of 1919 and the beginning of 1920 that the new scales of pay for the Services were sanctioned.

I come now to the revisions of pay of 1919-20. As I said just now, the actual proposals of the Islington Commission were out-of-date before they came up for consideration. The primary new factor was the crushing increase in prices since the Islington Commission had made their recommendations. It is probably a reasonable estimate to say that the rise in the cost of living for Europeans in India in this period had been not less than 60 per cent. But it is perfectly true that at that time there were influences of a compensatory character, and the main influence was the remarkable rise in the exchange value of the rupee. To some considerable extent the rise in the cost of living was made up by this, and it is quite clear that the revisions of pay of 1919 and 1920 were made on the assumption that the rupee would remain at or about 2 shillings. The Under Secretary of State for India made the following statement in the House of Commons on the 20th July 1922 :

" The present scale of salaries was fixed with effect from the 1st December 1919. The official exchange value of the rupee was then 2 shillings. At that time it was expected that the exchange value would continue about that figure, though it could not be definitely guaranteed."

(*Diwan Bahadur T. Rangachariar* : ' Is there any other authority for that ' ?) I will endeavour to find out. It may assist the House to realise what an important factor this anticipation of a high exchange must have been in determining the new rates of pay for the Services, if I refer to the case of the Indian Civil Service for purposes of illustration. The Montagu-Chelmsford Report had urged that something should be done towards restoring the real pay of the Service to the level which had proved attractive 20 years ago, and in the consideration of the revision of pay of the Indian

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Civil Service, considerable stress was laid on this recommendation. To restore the pay of the Indian Civil Service to the level which had proved attractive 20 years ago would have involved perhaps an increase of 50 or 60 per cent. The actual increase sanctioned was some 8 or 10 per cent. It is, I think, very evident that these proposals would not have been considered to meet the situation adequately had it not been for the anticipation of a high rate of exchange. As the Lee Commission say in their Report, if exchange had remained at or about 2 shillings, it is probable that no complaint would have been made regarding the scales of 1919-20. But within a year of the introduction of the new scales the basis on which the new rates of pay had been fixed was shattered. The Services had been tried high. For seven years they had waited for relief which seemed to them at any rate overdue. No sooner was the relief given than an unforeseen accident deprived them of a large part of the long expected relief which they had hoped to receive. By the end of 1920 the Government were overwhelmed with a large number of memorials protesting against the new rates of pay. But at that time there was great financial stress in India. The finances were seriously involved, partly from the general after-effects of the war, partly from the failure of the currency policy, and partly owing to the fact that enormous sums amounting to 9½ or 10 crores had been incurred in recurring expenditure for the purpose of raising the pay of the Provincial and subordinate Services throughout India—charges that I myself regard as absolutely essential but still they were a heavy burden on the Exchequer of the day. Sir, the Government postponed any further action for three years—from 1920 to 1923. The decision to appoint a Royal Commission, whose Report we are discussing to-day, was made in January, 123, but the Commission did not start its work until the cold weather of 1923-24. Sir, I have gone into this at some length because I have heard it said that the claims of the Services are really in the nature of—to put it quite frankly—black-mail. They do not like the reforms and therefore, in order to keep them quiet, you have got to pay them more. I contend that the history of this matter shows clearly that these claims arose before the reforms were thought of. It has a long history, and as they think, it has taken a very long time for them to get much needed relief.

Now, what is the relief proposed by the Commission? I know the House feels that they have not been given the full evidence on this point given before the Commission. How could the Commission, which gave a pledge that they would not reveal a great many things which were communicated to them under the pledge of secrecy, publish that evidence? Much of the most valuable evidence was given by banks which doubtless were bound to exact the pledge of secrecy; for I understand that to reveal the condition of its clients' accounts is a thing which no bank will do. Other evidence was given by commercial firms. They had very good reasons—quite obvious reasons—for not wishing their recommendations to be known.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhammadan Urban): May I ask if there is anything to show that banks and commercial concerns asked that their evidence should not be published?

The Honourable Sir Alexander Muddiman: I think so. I have not got the exact reference now, but I will give my Honourable friend the reference. There is a reference to this in the Report.

Mr. M. A. Jinnah (Bombay City : Muhammadan Urban) : That must be a privilege claimed by the banks if the privilege was not raised by the constituents.

The Honourable Sir Alexander Muddiman : I do not quite follow the Honourable Member. As I say, great point has been made that the detailed evidence has not been laid before the House.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : Is it suggested that the banks gave individual accounts to the Commission ?

The Honourable Sir Alexander Muddiman : The Commission say on page 26 of their Report :

"We have obtained independent confirmation of this view from banks or financial houses in close and constant relation with members of the Services. We were informed that a great many officers, particularly in the early years of married life, are at present in debt to an extent which was unknown 20 years ago ; and that this is in no sense due to extravagance. Insurance policies are pledged as security for advances to a much greater extent than formerly and in many cases their surrender value taken."

I understand that an insurance policy is the last thing that a man pledges.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor : Non-Muhammadan Rural) : Will the Honourable Member look at page 61 where he will see that a different ground is given by the Committee for not publishing the evidence ?

Mr. President : I must ask Honourable Members to allow the Honourable the Home Member to proceed with his argument. Government have allotted three days for this debate and Members will have full opportunity of developing their own case.

The Honourable Sir Alexander Muddiman : On a point like this, what you want is not for everybody individually to examine the evidence. You have had this Commission. I suggest that it would be right that their recommendations should be treated somewhat on the lines of the verdict of a jury. When you get a unanimous recommendation, you must attach some weight to it. It is not suggested that the Commission was unfair or prejudiced. They were engaged for the purpose of giving their impartial view of the matter. They presumably came with a perfectly fair mind to the matter.

Now, what are their proposals ? I will explain them in broad outline. In the first place, they propose an addition in the matter of pay. The form in which they cast their proposal was somewhat complicated. They suggested that an addition of Rs. 50 a month should be made to the overseas pay and that the whole of the overseas pay should then be converted into sterling at the favourable rate of exchange of 2 shillings. The essence of the proposal, when it is analysed, will be seen to be the payment of the whole of overseas pay in sterling. Unless the whole of the overseas pay is remitted to England, the full benefit proposed by the Commission does not accrue. We accept the fundamental principle of this proposal, but we see no advantage in stating the overseas pay first in rupees and then converting it into sterling at a favourable rate of exchange. We prefer to state the overseas pay straightaway in sterling. The effect of the proposal is, in the first place, an addition to overseas pay, in the second place, the payment of that overseas pay in sterling in such a way that the officer is protected against the loss, if the exchange

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falls below 1*s.* 4*d.*; and the Government will take the profit when the exchange rises above 1*s.* 4*d.* This is the essence of the proposal of the Royal Commission and we are prepared to accept it, speaking generally, merely simplifying the form. With regard to the amount, this appears to us to be fair and equitable. The Commission propose that it should start at Rs. 75 a month on a 1*s.* 4*d.* basis and rise in the 12th year of service to Rs. 200 a month on the same basis.

There was one point on which the Commission were greatly divided. It was on the question how far this relief should be carried out with regard to officers holding administrative posts. The Indian members recommended no relief except for certain lower administrative posts on a pay of Rs. 1,750—100—2,150. The English members, on the other hand, proposed—and the House will find the arguments stated very clearly in the appendices—that the relief given at the top of the time-scales should be carried on for all officers above the time-scales whose pay does not exceed Rs. 4,000 a month. The Government of India are not prepared to accept either of these divergent views. They propose to take a middle course. They are impressed by the fact that the financial circumstances of many officers holding administrative posts are straitened. At the same time we think that the proposals of the English Commissioners go somewhat too far and that it is unnecessary to consider the grant of any relief to any officers at present drawing more than Rs. 3,000 a month.

The second element in the scheme of relief proposed by the Commission is the grant of free passages. This I must explain is part, and an essential part, of the general scheme of relief of the Commission. They could have done it in any other way. They could have proposed a further increase in pay, but they thought it preferable to grant the relief in the form of free passages. The officer himself is relieved of considerable mental anxiety if he knows that his passage will be paid by Government. Further, the system has the advantage of providing automatically for the actual needs of the wife and family, and lastly the system is likely to be on the whole economical to Government, because it is certain that no more money will be paid by Government than is actually required for expenditure on passages. Nothing perhaps in recent years has proved a more serious burden to the Services than the crushing increase in passage rates.

From 1903 for a good many years the cost of a P. and O. 1st class return passage from Bombay to London was £78; it now ranges from £122 to 157; the intermediate scale of accommodation, namely, 1st Class B being £140. The concession, as the House will observe, is a moderate one.

Relief is provided only on the scale of 4 first class passages in the course of a service which may be taken as averaging from 28 to 30 years, that is, one passage in seven years.

The third main head of the recommendations of the Commission is in regard to pensions. I would here call attention to the fact that the Commission have rejected the claims for increase in the pension of the Indian Civil Service and have declined to reopen the question of the refund of the 4 per cent. contribution which all officers of the I. C. S. used to make towards their pension before 1919. The Government of India accept the conclusions of the Commission on both these points, but I think the House will recognise that the Commission's conclusions were framed in a

spirit of due moderation and economy. For it must be remembered that while the I.C.S. pension is always represented as one of £1,000 a year, no officer who joined the Service before 1919 receives the full £1,000 a year from Government. On the contrary it is generally estimated that under the old system an officer of the I.C.S. contributed £250 a year to his own pension, and the Government gave a pension of only £750 a year. The cessation of the contribution of officers to their own pension from 1919 changes the situation, but the change is only a gradual one. It will be 25 years from 1919 before the first officer of the I.C.S. draws his full £1,000 pension from Government, and in the meantime those senior officers who are now retiring are receiving from Government a pension very much less than £1,000. The Commission however proposed to grant certain enhanced pensions to Members of the Indian Civil Service who attained the high rank of Member of Council or Governor. This proposal has been carefully considered by us, but we regret we find ourselves unable to support it. We think that it is difficult to reconcile with the main idea which we take to underlie the recommendations of the Commission, namely, that essential relief should be given to those who need it most. Moreover, the pension of the Indian Civil Service has been based on the principle of uniformity. This principle has many advantages, but it is inherent in it that the man below the average receives more than he deserves and the man above the average receives less. We fully recognise that a pension of a thousand pounds a year may seem meagre for an officer who has filled a great and responsible post such as that of the Governor of one of our major Indian Provinces, but we feel that such a considerable departure from the principle of uniformity as is proposed by the Royal Commission would involve a reconsideration of the principle itself, and we do not think it would be expedient to upset a system which has in the past proved one of the chief attractions to the Service.

I have explained what the Commission and the Government of India do not propose to do in the matter of enhancing pensions. What they *do* propose is a moderate increase in the pension of the Uncovenanted Services amounting to Rs. 1,000 a year or £87-10*s.* in the ordinary pension from 25 years' service onwards.

The inadequacy of the rates of the Uncovenanted Services pension has been a ground of complaint for many years. The pension was fixed originally as long ago as 1855 or 1860 at Rs. 5,000 a year which was then £500. On the proposals of the Commission the 30-year pension will now be £612-10*s.* I do not think any one can suggest that an increase of £112 a year to cover the changed conditions of the last 65 years is excessive.

These are the main recommendations of the Commission to which we invite attention. I will leave it to my Honourable Colleague in charge of Finance to explain any possible indirect repercussions of the proposals of the Commission on the finances of India. I will confine myself to the direct cost as estimated by the Commission, and I have my Honourable Colleague's authority for stating that the estimates given in Appendix VII of the Report may be taken as approximately correct. That is to say the cost in the first year is 96 to 98 lakhs *plus* about 7 lakhs for administrative posts, or just over one crore. This is of course on a 1*s.* 4*d.* basis ; if exchange rises it will be less.

Diwan Bahadur T. Rangachariar : How much of it will be Central and how much Provincial ?

The Honourable Sir Alexander Muddiman: My Honourable Colleague will be able to tell you accurately. There is one statement however in Appendix VII which is somewhat misleading. It is said that the annual cost will probably rise until it reaches about 1½ crores, and will subsequently fall, as Indianization makes itself felt. I think it can be shown that this is too pessimistic a view, and underestimates the immediate economies of Indianization. The rise is due to the increase in the pensions of the Uncovenanted Services. This is estimated to involve a progressive addition of just over a lakh a year for 15 or 16 years. But the economies on Indianization will certainly exceed a lakh a year, and therefore the cost will not gradually rise, but on the contrary will gradually fall. I tried to bring home to the House in the earlier part of my speech the exceedingly far-reaching nature of the Indianization proposals of the Commission and the rapidity with which Indians will be replacing Englishmen in the Superior Services. If we take into account both the overseas pay and the passage concession, the Indian officer of the future will be costing from the 12th year of service onwards some Rs. 500 a month or Rs. 6,000 a year less than the British officer, and even in the first year of service he will cost Rs. 2,400 less. For every 10 British officers that retire at least 6 Indians will be recruited involving an economy of over Rs. 14,000 annually. Now we may anticipate that about 150 British officers will retire each year from the All-India and Central Services. This would suggest a progressive saving of more than 2 lakhs each year which is appreciably in excess of the progressive increase on account of pensions, and will moreover steadily rise in subsequent years. The House will realise therefore what a very important economy may be anticipated through the process of Indianization. The Commission did not, it is true, propose to reduce the existing basic pay of Indians which would produce a further economy, and, in this very difficult question, I am not prepared to say that the Commission was wrong. The matter, however, is one which may, if necessary, be further considered.

Finally, I will deal with the very important question of recruitment. Now one of the most important aspects of the Commission's recommendations is the extent to which they will solve our present difficulties on this score. I have noticed that two conflicting lines of argument are used. There are those who say that recruits can be had for the Services without making any appreciable improvement in terms. On the other hand, there are those who say that the financial proposals of the Commission will be quite ineffective to attract recruits. I believe that both these arguments are wrong. It is quite clear that at the present time, whatever the cause, recruits cannot be had for the premier Indian Service. The Indian Civil Service is already 75 under strength. By next year it will probably be at least 100 under strength. In the examination held a month ago for the Indian Civil Service 21 British candidates presented themselves. Before the war nearly 200 used to come forward for what was generally acknowledged to be the severest competitive test in the country. The experience of this year does not stand alone. In 1923 there were 38 British candidates, in 1922, 19, in 1921, 20. The significance of these figures lies in the fact that, even on the reduced proposals for recruitment of British officers made by the Lee Commission, we require each year 22 for the I. C. S. We actually need more officers than there are candidates forthcoming. It is often said that for the Police at any rate there is no dearth of candidates. This idea has grown up owing to the experience in the first year or two succeeding the war. At that time there were a large number of officers just demobilised, and it is true that the number of applications for admis-

sion to the Indian Police Service was large. But we have now settled down to normal conditions, and I will give the House the facts relating to the examination for the Indian Police Service held a month or two ago in London. There were 18 vacancies to be filled ; for these only 41 candidates appeared. A qualifying standard is laid down for this examination, and out of the 41 candidates 13 failed to reach the qualifying standard. Therefore there were only 28 qualified candidates competing for 18 vacancies. The position is certainly not as bad as that for the Indian Civil Service, but there is little margin of safety. I do not assert that financial considerations are the only ones which deter candidates from entering these Services, but I do say that financial considerations do play a very important part and that without a removal of the present economic difficulties of the Services there is no likelihood of our being able to obtain the services of the Englishmen we want. If you want any Englishmen at all, they ought to be of the good class. If you want them, you must take care they are good ones. The improved terms recommended by the Commission will certainly not enable the services to live in affluence nor will it restore the comparatively easy circumstances of the old days. Still they ought to be sufficient and the Commission thinks so and I am prepared to trust their judgment. In that respect their proposals would give the Services at least that minimum subsistence which a public servant can rightly expect. It will enable the members of the Services living with due economy to avoid falling into debt. That is not the case with many of our officers now. I see that Lord Lee, the Chairman of the Royal Commission, stated publicly that, if the recommendations of his Commission were brought into effect, he was ready to take part in a recruiting campaign in order to secure candidates for the Indian Services. That shows, at any rate, that in his judgment the recommendations made are adequate to attract recruits and, in the second place, that he is prepared to throw his influence into the scale in favour of recruitment. I have had letters from Oxford which give me some more hopeful account of affairs there. There is no doubt that people there and people in England generally are watching very closely the action that would be taken on the Report of the Royal Commission. They will also, I have no doubt, watch very carefully and read the debates of this House when it deals with the recommendations I am making. The general impression I have derived is that, if effect is given substantially to the recommendations of the Commission, there are some hopes of a decided revival of recruitment. Now, Sir, I thank the House and you, Sir, for the indulgence in the matter of time. The ground over which I have had to travel is very extensive and I have had to restrict myself to the main issues and pass lightly over many points of great importance. The debate that will ensue will give opportunities for those points to be raised and dealt with by the House as a whole. I feel that the occasion is a great one ; that the House has a great opportunity, a great responsibility. Sir, one more word and I have done. I have throughout my speech avoided any reference to the work that has been and is being done for India by the Services as they are at present constituted. I do not desire to base my case on any appeal of this kind. But the other day I came across a phrase that attracted my attention. It was a reference to " hordes of mercenary officials ". Well, Sir, that was a phrase that stung me for a moment and I asked myself—Is that really the light in which the Services are looked on ? Of one Service it ill becomes me to speak. Its record is known and I am content to leave its merits and demerits to the verdict of history. But what of the others, the

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engineers, the doctors, the policemen, the professors, the forest officers and the rest who have spent their lives and often died in the service of India ? Were these mere mercenaries ? Is this all the recognition that is due to them from a developed India ? And then I was comforted and felt that there was no sting in the word mercenary for they were mercenaries in the same way as that great army of whom it is written :

" These, in the day when heaven was falling,
The hour when earth's foundations fled,
Followed their mercenary calling
And took their wages and are dead."

Mr. President : Resolution moved :

" This Assembly recommends to the Governor General in Council :

(1) That the following recommendations of the Royal Commission on the Superior Civil Services in India be in principle approved :

(*a*) that while the existing system of appointment and control of the All-India Services should, in present conditions, be maintained in reserved fields, the following Services operating in transferred fields, namely, the Indian Educational Service, the Indian Agricultural Service, the Indian Veterinary Service, the Buildings and Roads Branch of the Indian Service of Engineers in those provinces in which the two branches have been separated, and the Indian Forest Service in Bombay and Burma, should so far as future recruits are concerned be appointed and controlled by Local Governments ;

(*b*) that recruitment of Indians for the Services in reserved fields should be increased as recommended ;

(*c*) that having particular regard to recommendation (*a*), early steps be taken to constitute the Public Service Commission contemplated by section 96-C of the Government of India Act, and to enact such legislation as may be necessary ;

(2) That pay, passage concessions and pensions be granted to the officers of the Superior Civil Services in India approximately on the scale recommended ; and

(3) That the recommendation of the Royal Commission regarding the constitution of Provincial Medical Services in Governor's Provinces be accepted in principle, subject to :

(*a*) the employment in the provinces of an adequate military reserve ;

(*b*) the provision of adequate medical attendance for British Officers in the Civil Services and their families ; and

(*c*) the further consideration of the conditions necessary to secure an adequate number of British medical recruits for the needs of the Army."

We now adjourn to Twenty-five Minutes to Three. Thereafter, I shall call upon Pandit Motilal Nehru to move his amendment.

The Assembly then adjourned for Lunch till Twenty-five Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Twenty-five Minutes to Three of the Clock, Mr. President in the Chair.

Mr. President : Before I call upon Pandit Motilal Nehru to move his amendment, I wish to point out to the House that the correct Amendment Paper is the one which was found lying on the desks this morning, and not that circulated two days ago.

Pandit Motilal Nehru (Cities of the United Provinces : Non-Muhammadan Urban) : Sir, I rise to move the Nationalist amendment* to the Government Resolution which has just been so very ably moved by the Honourable the Home Member. The amendment stands in my name, and I wish to make it perfectly clear at the very outset that it is a Nationalist amendment. It is rather long and I would follow the example of the Honourable the Home Member in dealing with it. I shall not inflict it upon the House by reading it from beginning to end.

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* ' That for the original Resolution the following be substituted :

' PART I.

That having regard to the following among other facts, namely :

(*a*) That the Royal Commission on the Superior Civil Services in India was appointed, and allowed to enter upon its functions in utter disregard of the Resolutions passed by the first Assembly ;

(*b*) That all questions affecting the Civil Services are inseparably connected with, and entirely dependent upon, the larger question of the grant of responsible government to India and cannot be entertained and satisfactorily dealt with unless and until the Resolution of this House on Responsible Government adopted on 18th February, 1924, is substantially complied with ;

(*c*) That the terms of reference to the said Royal Commission and the recommendations made by it involve the perpetuation of an antiquated and anachronic system of public services without any attempt to reconstruct the administrative machinery to suit the present day conditions of India which are widely different from those prevailing when it was inaugurated ;

(*d*) That the said terms of reference to the said Royal Commission and the recommendations made by it are based on the unwarranted assumption that the existing system of government, both Central and Provincial, and the present position, powers and functions of the Secretary of State, the Governor General and the Governors of Provinces, would continue indefinitely ;

(*e*) That some of the recommendations of the Royal Commission are intended to deprive the Legislatures even of their existing powers by suggesting devices to transfer items of expenditure hitherto subject to the vote of the Assembly and the Provincial Councils to the head of non-votable items ;

(*f*) That the said recommendations have introduced racial discriminations in the treatment of the All-India Services ;

(*g*) That the said recommendations make the extraordinary provision that officers appointed to the All-India Services after 1919 as also those to be appointed hereafter shall have guarantees against and compensation for being transferred from the reserved to the transferred field of Service—a contingency which they must be taken to be well aware of when they were appointed ;

(*h*) That the recommendations of the Commission regarding the Medical Services are entirely unsatisfactory in that (1) they seek to perpetuate the complicated system of interdependence of the Provincial Medical Services upon the irresponsible Military Department ; (2) they introduce the objectionable principle and a costly scheme of provision for medical assistance to Europeans on a racial basis ; (3) they do not recognise the necessity of the Indian units of the Army being officered by Indian Medical officers ; and (4) they propose to absorb the present Indian Medical Service into the Royal Army Medical Corps (India)—a step which will practically close the door to Indian medical men in the said corps and thereby also in civil employment ;

(*i*) That the inquiry held by the Royal Commission has been unsatisfactory in that the bulk of the evidence on which the bald recommendations of the Commission are based was allowed to be tendered and accepted in camera and no material evidence is either indicated or made available to this Assembly

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Sir, before I go into my amendment I think it is but due to the Honourable the Home Member that I should congratulate him on the great ability and perspicuity with which he has dealt with the subject. He has dealt with it very fairly and has not overdone any part which related to the benefit of the Services. But remembering the undertaking that he gave at question time about the materials that he was going to place before this House, I must confess to a feeling of great nervousness all the time that I was listening to his very elaborate speech. I was listening to it almost with bated breath and at every moment I expected that some new material, something which we could not guess at from the report, would be forthcoming. I saw something protruding from the files in front of him and took it to be the fuse of the bomb under his table. I expected every moment the bomb to be thrown and sooner or later to burst upon us. I waited and waited and it was only when the Honourable the Home Member resumed his seat that I heaved a sigh of relief. The bomb did not after all explode ; it was not even thrown, and we remain, so far as the materials go, where we were before the Honourable the Home Member began his speech.

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this Assembly recommends to the Governor General in Council that the recommendations of the Royal Commission on the Superior Civil Services of India be not accepted, and this Assembly further recommends that instead of the recommendations referred to in clause (1), sub-clauses (*a*), (*b*) and (*c*) and clause (2) of Sir Alexander Muddiman's Resolution, so far as the latter relates to future entrants into the Civil Services being approved, the following steps be taken in respect of future recruitment and control of the Services, namely :

(*i*) That all further recruitment in England for the Civil Services in India including the Medical Service under the existing rules be stopped.

(*ii*) That a Public Services Commission be established in India and the constitution and functions of that Commission be determined on the recommendations of a Committee elected by this Assembly.

(*iii*) That His Majesty's Government be requested to take the necessary steps for the purpose of transferring the powers of appointment and control of the Services, now vested in the Secretary of State, to the Government of India and the Local Governments, such powers to be exercised under laws to be passed by the Indian and Local Legislatures regulating the Public Services, including the classification of the Civil Services in India, the methods of their recruitment, their conditions of service, pay, and allowances and discipline and conduct.

PART II.

This Assembly is unable in view of the present financial condition of India and on the materials before it to satisfy itself as to the propriety and reasonableness of the recommendations of the Royal Commission in respect of the alleged grievances of those at present holding office in the Civil Services, and cannot with due regard to the interests of the tax-payer assent to the imposing of fresh burdens on the already overburdened finances of the country.

But, in view of the financial relief that will result from the stoppage of all recruitment outside India under the existing rules as recommended above in Part I, this Assembly is prepared to consider the alleged grievances of the present incumbents as regards pay, passages, concessions and pensions and recommends such measures of redress as may be found necessary, and for that purpose it recommends to the Governor General in Council to take steps for the election of a Committee by this House to enable them to go into the entire question on all the materials available to the Royal Commission including the evidence taken in camera or such other material as may be available and to make its recommendations to this House as early as possible.' "

Now, Sir, he made certain preliminary remarks about the value to be attached to this Report, and I wish to deal with them point by point. What he said was that this Report was made by a Royal Commission which was constituted by gentlemen of the highest position and attainments. Nobody has ever doubted or disputed that. The next point he made was that the recommendations were the result of a compromise. It is here, Sir, that I would beg to enter my dissent. Compromise between whom? Who were the parties to that compromise? The Honourable the Home Member said that the Indian gentlemen on the Commission were representative Indians. Here again, Sir, I beg to join issue. Who elected them; whose representatives were they, and what position did they occupy in the public life of the country apart from their relations with the Government or their membership of one of the two Houses of Legislature, at one time or another? Then the Honourable the Home Member said that we must take it as a verdict of the jury, and that we must attach to it the same weight as we would attach to a unanimous verdict of a jury. Now, Sir, I have had something to do with juries, and I know under what circumstances weight is attached to the verdict of a jury, and under what circumstances no weight at all is attached to it. When the evidence is taken in open Court and the public are in possession of the facts from day to day as the trial proceeds, when the learned Judge has charged the jury in public and has reviewed the whole facts and given the law of the case, it is then that the unanimous verdict of a jury is entitled to all the weight that can be claimed for it. But without any of these things the very basis which gives the jury its weight is wanting and the verdict is of no value.

Then my Honourable friend justified the Report of the Royal Commission by the rule of *factum valet*. Here again I regret I am unable to follow my learned friend. The doctrine of *factum valet* is very well known to lawyers. It means that irregularities which had no effect on the essentials or contravene any principle must be condoned when the thing itself is done. Such irregularities must not be allowed to disturb what has already been accomplished. We have heard of an adoption or a marriage not being allowed to be questioned on the doctrine of *factum valet*, if all the objections urged against it are mere irregularities which do not go to the very root. I ask the House in the present instance whether it can possibly be said that the objections we take to the Report are mere objections of form and irregularity which do not touch the merits. The objections we take are objections which vitiate the whole proceedings, which go to the very root of every recommendation that the Royal Commission has made, as I shall proceed to show when I deal with the various paragraphs of my amendment. That being so, there is no justification whatever for invoking the doctrine of *factum valet* in support of the Report.

Now, Sir, I shall follow the course which the Honourable the Home Member has followed, and only deal with my amendment in a general way as the Honourable the Home Member has dealt with his Resolution. I shall, with your permission, lay it bit by bit before the House, and as I do so, make a sort of running comment to explain any points which I may think are necessary to be explained.

Now the whole scheme of the amendment is quite clear. It is divided into two parts. The first part gives the grounds upon which

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we say that no effect should be given to the recommendations of the Royal Commission. It also gives the constructive proposals we have to make in the light of the facts stated. The second part deals with the grievances, or rather refers to the grievances of the present incumbents in the various grades of Services.

In Part I we contend that the recommendations of the Lee Commission should be wholly rejected. In order to establish why this should be so, my task is facilitated by the Resolution which has been moved on behalf of the Government. I think, Sir, I can show to the satisfaction of this House from the terms of that Resolution itself that the Government is in full agreement with us in thinking that the recommendations of the Royal Commission should be wholly laid aside, and that our conclusions, if we have to form any, should be based upon facts quite independent of those recommendations. Now let me for a moment turn to the language of the Resolution. What is said here is that :

"The following recommendations of the Royal Commission on the Superior Civil Services in India be *in principle* approved."

What is the meaning of being approved in principle ? What is the principle that this Royal Commission has laid down ? We may as well look for a needle in a hay stack as try and find out a principle in the Report of the Royal Commission. It is a string of *ipse dixits*, a series of bald statements, of inferences and conclusions, supposed to have been arrived at upon evidence which is not before this House. But I will assume that there is a principle in these findings, in these recommendations. If that be so, where is the acceptance of the recommendations themselves ? When a recommendation is made and you only accept it in principle, do you accept it in the form in substance or to the full extent it goes ? You certainly do not, and that being so, I say, and say with confidence, that there is not a single recommendation of the Royal Commission which has been accepted by the Government as it stands without qualifications and modifications which have not been disclosed and which for aught we know may change the whole face of the Report. The approval *in principle* applies to sub-clauses (*a*), (*b*) and (*c*) of clause (1) as well as clause (2) ; but when we come to clause (2), we find another word, a tell-tale word. What this House is asked to do is to approve the principle that "pay, passage, concessions and pensions be granted to the officers of the Superior Civil Services in India *approximately* on the scale recommended " ; not exactly, but *approximately*. Again in clause (3) we find the same important words *in principle*. The clause runs :

"That the recommendation of the Royal Commission regarding the constitution of Provincial Medical Services in Governors' Provinces be accepted *in principle*."

And this adoption in principle is further diluted by the sub-clauses being subjected to certain conditions.

Now, Sir, if any principle can be deduced from this Report and the recommendations of the Royal Commission, the principle is that the existing Services should be paid more money and that fresh recruits should be better treated than they are at present. Does that fact deserve to be dignified by the name of principle ? Was it not known, was it not common knowledge in this country and in England before this galaxy of gentlemen of great intelligence and high position met together and spent

five lakhs of the money of the tax-payer to lay it down as a principle ? The real fact is that the Government themselves are not desirous to take the recommendations as they stand without qualification, and the whole idea of the Resolution, as I read it—and Sir, I read the lines as well as between the lines, and put upon it the meaning which any man of affairs will put is simply this, in the name of the recommendations of the Royal Commission give us a free hand to do what we please, because anything and everything can be justified as coming under the principle of that Report. Now, Sir, what is the position ? As I have said, the people do not want it, and I have shown, the Government cannot accept it in its entirety. The press has pronounced against it, not merely the Swarajist press, Sir, but also the press which we all know represents the interests of the Services themselves. In this connection may I be allowed to refer to a short note which appeared only two days ago in the " Pioneer," that great champion of the officials all over India, and also in England ? What does the writer say about this third clause, which was subsequently added to the Resolution of my Honourable friend ? He says :

" The Government Resolution to be moved in the Legislative Assembly on Wednesday has been extended by the inclusion of a third clause dealing with the Lee Commission's proposals for the reorganisation of the Medical Services. As we expected, the Government cannot recommend the acceptance of the principle of these proposals without considerable reservation."

So here we have it, that the Government are not prepared to accept even the principle without certain reservations. Then he says :

" For reasons which have been given at some length in the columns of the *Pioneer*, these reservations are most important and will probably require practically a complete review of the whole question involved."

Then the writer proceeds :

" It has long been recognised that the scheme in the light of the present state of recruitment would be quite impracticable. We doubt indeed whether the Government can contemplate the adoption of even a part of the proposals made without further investigation of the whole subject of the Medical Services in India."

Now that may be taken as a fair sample of the views of the press and of the Government as regards the whole of the recommendations of the Royal Commission. So that we are, Sir, exactly where we were before the Royal Commission came, and that I submit on the showing of the Government themselves.

I will now, with your permission, take the various parts of my amendment, and in dealing with them I shall refer to such points as the Honourable the Home Member has tried to make about some of the clauses. I say in my amendment, " that the recommendations of the Royal Commission on the Superior Civil Services of India be not accepted," and the first reason I give is :

" (*a*) That the Royal Commission on the Superior Civil Services in India was appointed and allowed to enter upon its functions in utter disregard of the Resolutions passed by the first Assembly."

Now, Sir, a few facts, of which the House is probably well aware, are to be borne in mind. I will only give three dates.

On the 26th January, 1923, a motion for adjournment of the House was passed. That motion was made on the decision of His Majesty to appoint this Royal Commission. The motion was carried without a division. Then, on the 17th March of the same year, when the Budget came up for discussion, a motion was made to omit the provision for the expenditure to be incurred on account of this Royal Commission, and that

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motion also was carried. Lastly, on the 28th March, 10 days later, His Excellency the Governor General in Council restored the grant—not His Excellency the Governor General but the Governor General in Council. Thus the Royal Commission was forced upon the country in spite of the protest of the first Assembly—a protest which was backed by the general feeling and the general opinion in the country and in the press. It is believed that the Government of India themselves were at one time against it. In the report of the debates on this motion I find that my Honourable friend the indomitable Dr. Gour threw out an open challenge to the then Home Member, Sir Malcolm Hailey, to deny that that was the fact, namely, that the Government had at one time expressed their opinion against the appointment of this Commission. Sir Malcolm Hailey, with his usual ability as a skilful fencer in debate, avoided a direct answer to that challenge, but treated the House to a dissertation on the ethics of office and on the etiquette and conventions of men in high office, saying that he would not be tempted, whatever Dr. Gour might say, to give a direct answer. Now, Sir, I was not then a Member of this House, but the report of the proceedings leaves no doubt in my mind on the point. It may be that the Government were not at the time when Dr. Gour put the question and threw out the challenge, against the appointment of the Royal Commission ; but there is no doubt that at some time or other they were against it. There was an " ultra-Conservative " Government in England in those days and there was a " reactionary " Secretary of State—the adjectives are not mine, Sir, but were used by Sir Malcolm Hailey himself. There is no doubt that the Government of India had to bend before the will of the Government at Home ; and having done so it was but natural for the Governor General in Council to certify the grant which had been refused by the House. Now, Sir, we are asked to swallow all this, to put our seal of approval on these proceedings, and to consider this Report as if it was a Report made by a Commission under the sanction of this House, and the money spent was the money which this House had allotted for it. I make free to say that if the Government in England, which rode roughshod over the will of the people of India, had now been in power I should certainly have refused even to look at this Report (Hear, hear) ; but we know that the present Government and the present Secretary of State are not, either in fact or by any fiction of law or convention, responsible for the action taken by their predecessors. We know also what was stated in the House of Lords in the recent debate and what we are in all sincerity of purpose expected to do by the present Government. It is the present Labour Government and not their predecessors who have invited us to express ourselves upon the merits of this Report, and in common courtesy we are bound to accept their invitation and go into the merits. But I wish to make it perfectly clear that we do not abandon this plea—if I may use the language of law,—this plea is in bar. I rely upon it as a strong reason why the recommendations of the Royal Commission should not be accepted at all.

Now, Sir, in this connection there is another important fact which deserves to be noticed. It is this—that the two great divisions of political thought in India, namely, the Congress, including the Swarajists, and the Liberals including the Moderates, both pronounced against this procedure and were from the beginning opposed to the constitution of this Royal Commission. The Swarajists and the Congressmen were of

course by their very creed unable to take part in the proceedings, but the most remarkable fact is that all the Liberal Associations in the country officially resolved to boycott this Commission, and if a stray Liberal here and there gave his evidence—as I know some did—it was in his own personal capacity—he represented neither his association nor his party nor his country. That being so, I ask what is the value of such a Report, of recommendations which have been arrived at on practically one-sided evidence, of proceedings in which the public, the real masters, had no say at all and the holding of which in itself constituted an insult upon the public ? So that, Sir, although we do not reject the Report on that one ground, we do ask His Majesty's Government to give the facts that I have just stated their proper weight, and giving them their proper weight, to do as they would have done if they were in our position. I ask the Labour Government to put themselves in our position and to treat this Report in the manner in which they would have treated it if they had been ignored as we were (Hear, hear.)

Now, Sir, I will come to the next clause, clause (*b*) of my amendment, which gives the second reason why the recommendations should not be accepted :

" That all questions affecting the Civil Services are inseparably connected with, and entirely dependent upon, the larger question of the grant of responsible government to India and cannot be entertained and satisfactorily dealt with unless and until the Resolution of this House on responsible government adopted on 18th February 1924, is substantially complied with."

It is impossible to conceive how any Service can be properly organised until we know exactly who will be the master that public servants will have to serve. Who can tell, before the final settlement of the question of the grant of responsible government to India, what will be the nature of the services required, who will be the persons qualified to enter those Services and what should be the terms upon which those Services are to be recruited ? Now, my Honourable friend referred us to certain extracts regarding the position of Services *vis-a-vis* any form of government and he quoted from Professor Ramsay Muir that as regards the carrying on of the daily administration and the enforcement of the existing laws which is nine-tenths of the business of government, this country, i.e., England, was governed by a pure bureaucracy. Now, my Honourable friend will pardon me if I say that he need not have quoted those passages. There is not the least doubt about the principle. No one has ever said in this House or outside it that the carrying on of the daily administration and the enforcement of the existing laws is any part of the duty of this House or will be any part of the duty of the responsible government which may be set up hereafter. But these quotations refer to a different state of things. They refer to a state of things which assumes the employment of a permanent service to instruct the changing Governments which come in and go out from time to time ; and in those circumstances you may call the permanent service, it may be, in a sort of vague manner, a bureaucracy. The kind of interference this House claims to be entitled to make, and the responsible government when it is established will be entitled to make, is shown in a book of greater authority than Professor Ramsay Muir's book which was referred to by the Honourable the Home Member, I mean Sidgwick's " Elements of Politics." At page 460 the author says :

" As regards the organisation and management of the whole executive organ it clearly belongs to the Legislature to define the powers of officials and to determine

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what special privileges or liabilities it may be for the public advantage to allot to or impose on any class of servants of the Government, and generally lay down the conditions of appointment and tenure of executive offices."

This, Sir, is what we want. We are not asking to be allowed to interfere from day to day with the actual carrying out of the laws or the policy of Government. We claim the right to lay down that policy and to enforce it, and if public servants would not enforce it, to have the right to exercise our disciplinary jurisdiction over them and to dictate to them from time to time what is their duty. Then Sidgwick goes on to say :

"We have seen that experience alone can determine the degree of minuteness to which the financial control exercised by the Legislature over the executive should be carried so as to secure the maximum of economy without impairing the general efficiency of the organ or its power of promptly meeting sudden calls for special activity. On the other hand for reasons before given the Legislature should be prevented, by law or custom, from interfering in the selection of individuals to fill vacant posts, or in the particular allotment of tasks to them, within the range of business assigned to the department to which they belong."

That, I take it, Sir, is a correct statement of the law upon the subject and it is for that that we contend. These are more or less matters of elementary learning.

Then, as to the bureaucracy in England, we have got some very descriptive names in English and Colonial law for the permanent service; for instance we have the very expressive word "Mr. Mother country"; a gentleman who is specially versed in the laws of England and the routine work and procedure and whose business is to instruct the Government for the time being, which is generally composed of laymen. I have no objection at all to not only one but a dozen Messrs. "Mother-country" coming over here and instructing us. Now what is the theoretical relation between the political chief which we aspire to be and the permanent subordinates which the Civil Service must become sooner or later. Here it is :

"The political chief furnishes the lay element in the concern ; his function is to bring the administration into harmony with the general sense of the community and especially of Parliament. He must keep it in accord with the views of the majority in the House of Commons and conversely defend it when criticised and protect it against injury by any ill-considered action of the House,".

and so on.

This is from Mr. Lowell's book on the Government of England. I therefore ask whether the policy you are pursuing is a policy which has any relation whatever to the grant of responsible government to the country. It may come to-day, it may come to-morrow, it may come ten years hence ; it may come a hundred years hence. This policy is certainly not a policy to lead us to responsible government at any time. Mere substitution of Indian for English public servants has nothing whatever to do with the changes which must necessarily come the moment real power is invested in this Legislature and in the representatives of the people. We do not want simply a brown bureaucracy to be substituted for a white bureaucracy. We want substantial powers in the representatives of the people and, if our white friends would care to stay and take part in our affairs after we have got those powers, we will be very glad to see them as representatives of their community in this House.

3 P.M.

I now come to clause (*c*) :

" That the terms of reference to the said Royal Commission and the recommendations made by it involve the perpetuation of an antiquated and anachronic system of public services without any attempt to reconstruct the administrative machinery to suit the present day conditions of India which are widely different from those prevailing when it was inaugurated."

Now, I would like to make it clear to the House that I have nothing to say against the gentlemen who are in the Service at present or who have been in the Service in the past, or even against those who might come into the Service in future. It is the system that I attack and I attack it with all the strength at my command. This system I say is the survival—I will not say of barbarism, but of the conditions of 110 years ago when we were taken as a primitive people and the English Government began to bring us up in the knowledge of citizenship and civic duties. It was in 1813 that the Indian appointments for British youths were reserved for those trained in the Company's College at Hailebury. Since then the system that guarantees the conditions of service remained practically the same, with this exception that the pays, pensions and allowances were from time to time increased. It is the old *má-báp* system inaugurated in 1813 which we find in force in the year of grace 1923. (*A Voice* : " 1924.") Yes, 1924, one year makes no difference in the life of a nation. What I submit is that we are no longer in the *má-báp* period and that the *má-báp* principle will not now help you to govern the country. If you want to be here, if you want to take part in our affairs, it has to be under a *bhain-bhai* system and not a *má-báp* system. We are willing to treat you as brothers and sisters if you will treat us as brothers and sisters ; but no more of your *má-bápism*.

Well, Sir, as I have already said with reference to the previous clause, it is one thing to improve your services, it is one thing to make them fit for the growing requirements of the times, but it is quite a different thing to reconstruct your Services and your administrative machinery in accordance with the change in the Government which is bound to come sooner or later. In support of this, I shall, with your leave, Sir, read a few passages from an excellent article which appeared the other day in the *Times of India*. I read it, Sir, because the point I am now making is so well put that I could not have put it better. I adopt it as a part of my argument. Sir, I am again quoting from an Anglo-Indian paper, Anglo-Indian in colour, in spirit and in mind. (*Mr. M. A. Jinnah* : Better than the *Pioneer*.) Yes, better than the *Pioneer*. Well, Sir, this is an article which appeared on the 29th of August 1924 and here is the passage that I wish to read. Treating of the administrative foundations of political progress, the writer says :

" The root of the whole difficulty would seem to be that Indian opinion does not believe that the Services, as at present recruited and organised, can fit harmoniously into the scheme of a self-governing India. This appears to raise a question not easily dismissed by the enunciation of common-place truisms. For reflection shows that the problem has never received adequate examination. There is no gainsaying the fact that while much attention has been devoted during the last few years to the question of political reform and constitutional progress, the reform of the administrative machinery of the country has been very largely neglected. Has any responsible person, either in India or in England, seriously sat down to think out the kind of Public Services which India really needs, and in consequence to arrive at some estimate as to the extent to which the present staffing and recruitment of the administrative machine really correspond with this desideratum ? And yet, on the face of it, there would seem to be very good grounds for such a step. The political

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and constitutional progress of India is of a kind which is likely at length to assimilate her to those countries in which responsible government obtains. Yet the Public Services of India remain entirely different in type from the Public Services in other countries. Their position is more dignified; their emoluments are incomparably greater."

And then he goes on :

"But are we justified in assuming that these concessions (*of pay and allowances*) are the due of future entrants, until we have convinced ourselves that the system by which the Public Services are staffed and recruited is what the country really requires? We are not here concerned to raise the question of Indianisation, which has, it will be obvious, an important bearing upon the subject. We desire to take the broadest view. India is rapidly advancing along the lines of political reform; but the system of her Public Services still retains the characteristics of a paternal regime which is now every day vanishing further and further into obsolescence."

One more passage, Sir, before I finish with this :

"There can, of course, be no question of tampering with the rights of the present generation of public servants. But in considering the question of recruitment, the problem we have indicated arises in an acute form. Are we justified, without the most careful and the most meticulous investigation, in perpetuating a regime which took its rise in conditions now long passed away?"

Now, Sir, this is really the case I make in clause (*c*). It has been put clearly in this article by the writer.

I now go on to clause (*d*), and shall very briefly deal with it and the remaining clauses as I am afraid I am going beyond my time-limit.

Clause (*d*) runs :

"That the said terms of reference to the said Royal Commission and the recommendations made by it are based on the unwarranted assumption that the existing system of Government both Central and Provincial and the present position, powers and functions of the Secretary of State, the Governor General and the Governors of Provinces would continue indefinitely."

Now, Sir, there is no doubt that the Royal Commission, while they certainly have in contemplation—as they say at the beginning of their recommendation—the progressive realisation of responsible government in this country, have consciously or unconsciously made recommendations which have the opposite effect, as I shall show presently. But, taking the recommendations as they stand, they come to this that it will take 15 years to bring us to a proportion of 50 per cent. of Indians in the Superior Executive Services.

That is to say, in the year 1939, we shall have that proportion, and those who shall have entered in that lucky year will have another 25 years at least of official life to run. The complete Indianisation will thus be delayed for 40 years even if there is no further recruitment in England. But the ratio of 50 per cent. is to be kept up even after 15 years by fresh recruitment where it will remain—for how long we do not know ; may be the Greek Kalends.

I was very much pained, Sir, at the reference that was made by the Honourable the Home Member to the phrase "mercenary hordes" which he said had been used to describe the British Services. I do not know if he heard it in this House or elsewhere, but so far as my information goes no Honourable Member in this House has ever permitted himself to use that expression.

The Honourable Sir Alexander Muddiman : No, I did not hear it stated in this House. I read it in some paper.

Pandit Motilal Nehru : I am very glad to hear that. I cannot think of any Honourable Member of this House referring to the Services, and especially the British Services, as hordes of mercenaries. The whole point is this, that the Services generally are an anachronism at the present day ; and I take the liberty to say of my Honourable friend the Home Member that he himself is an anachronism, a very costly anachronism. But no Member of this House has ever said anything whatever against the actual discharge of the duties by the British element of the Services as a whole. They are not wanted because their continuance in the present condition of things is not consistent with the progress that has already been made or will be made in future.

Now, Sir, I come to clause (*e*) which runs as follows :

" That some of the recommendations of the Royal Commission are intended to deprive the Legislatures even of their existing powers by suggesting devices to transfer items of expenditure hitherto subject to the vote of the Assembly and the Provincial Councils to the head of non-votable items."

That is a matter which has not been dealt with by my Honourable friend. I refer in this clause to the recommendations made in respect of passages in paragraphs 36, 37, 64 and 65 and also to the Provident Fund contributions dealt with in paragraph 87 and to the re-appointment by the Secretary of State of officers already appointed by the Government of India so as to have the benefit of non-votable salaries.

The Honourable Sir Alexander Muddiman : Would the Honourable Member mind giving the references again ?

Pandit Motilal Nehru : Paragraphs 36 and 37, and 64 and 65. Provident Fund Contributions—paragraph 86. Re-appointment of officers, paragraph 89. Now, Sir, it is often necessary for the best of objects and from the best of motives to resort to devices. But when a device is intended to curtail the liberty of the people—such scant liberty as has been allowed to them—you cannot expect them to applause either the object or the motive. What have the Royal Commission done ? In respect of passages their recommendations come to this :

" We recommend that officers are entitled to passages. But we know that passages are subject to the vote of the Assembly. We do not want this new-fangled Assembly or the Provincial Legislatures to have at their mercy these officers for whom passages are essential. We therefore say this, that although it is an allowance for passages, although it is no part of their pay, although they are not entitled to spend it as they would their own pay, yet in spite of all this call it pay, add it to their pay, and say that it is pay, and then, when it is time for the Accountant-General to pay it is not to be paid to the officer. It is to be paid into a special fund called the ' Passage Fund ' and kept apart, and when the particular officer requires a passage, it is then to be paid to him as passage money."

It comes to this that passage is an allowance ; it remains all along a passage allowance ; it is paid as passage allowance ; it is not drawn as pay, but simply to take it away from the vote of the Assembly or the Councils they say there is no harm in calling it pay although it never was intended to be any part of the pay.

This applies also to the Providential Fund (Laughter)—I mean Provident Fund.—I wish it were Providential for in that case it would be no burden on India.

Then we come to the reappointment of officers. There are certain officers appointed in England by the Secretary of State. There are certain others who are appointed by the Government of India. The officers appointed by the Secretary of State are not under our control as regards

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pay and allowances. With regard to those appointed here, their pay and allowances are subject to the vote of the Assembly or the Councils. There is nothing easier than to ask the Secretary of State to reappoint these men, in order that these men may get out of the clutches of the Assembly, and the Royal Commission have recommended accordingly. This is how we are expected to advance step by step to responsible government.

The next paragraph of my amendment deals with racial discriminations and runs :

"(*f*) That the said recommendations have introduced racial discriminations in the treatment of the All-India Services."

I shall run somewhat hurriedly through this and the remaining paragraphs and shall simply explain what I mean. In passage concessions there is racial discrimination. That is to say, the concession is to be given only to officers of non-Asiatic domicile. There is racial discrimination also in remittance privileges and the Indian Medical Service, where medical assistance is recommended to be given to Europeans on a racial basis. My friends who will follow me will deal with these subjects more in detail. I shall also for the present pass over the clause which deals with medical service. There are some of my medical friends here who understand the position better than I do and they will place their views before this House.

I now come to the last clause, that the inquiry held by the Royal Commission has been unsatisfactory in that the bulk of the evidence on which the Report is based was taken in camera and no material is referred to or made available to the Assembly. I might have added that they have not even divulged the names of the witnesses, and we do not know what class of people were examined. Now, Sir, this has been passed over very lightly by my Honourable friend. It is a matter to which I attach the greatest importance. A Royal Commission is in its very nature a public tribunal intended to hold a public inquiry. I am surprised that my Honourable friend said that the terms of reference to the Royal Commission did not include an authority or a direction to publish the evidence. I do not think that the terms of reference to any Royal Commission need contain such a direction, because it is in the very nature of things, in the very nature of its constitution, in the very nature of the inquiry it is to hold, that evidence should be recorded in public, except perhaps in cases where there are special reasons for not recording it in public ; for instance, there may be one, two or more witnesses examined in camera, to avoid State secrets from being divulged. What is most surprising is that a string of recommendations is placed before us and we are asked to accept it as it stands. As regards the passage and other allowances, there is absolutely no reason given for allowing them and there is absolutely no evidence cited to support them, yet the Government of India have by some intuition or inspiration come to know that the recommendations are quite necessary. The only reason now given is that the members of the Royal Commission were all for allowing them. Now, Sir, if that were any test, I think it will save a great deal of public money if we abolished all the Appellate Courts in the country and simply appointed honourable men as Judges of Courts of first instance and made their judgments final for all time to come. I have never heard, Sir, that any person, however high, whatever his position, however great his attainments, can take shelter under his ability or attainments when called upon to support his conclusions

by the evidence that he may have taken. But here again, I have something to tell the House which will perhaps surprise Honourable Members. It has been stated that this inquiry in camera was conducted in deference to the wishes of the witnesses, and at page 61 of the Report it is stated :

" In our view it was of paramount importance that, to guide us in our investigation, we should be able to ascertain the genuine opinions of witnesses on the matters at issue, however confidential or controversial the latter might be. There were likely to be many witnesses, Indian as well as European, who would shrink from expressing, in public, opinions which they conscientiously held but which if published in the Press might involve them in political controversy. Had the Commission decided that it would hear no evidence which was not given in public,"—*nobody ever expected any Commission to decide that*—" witnesses of this kind—who as it proved were by no means the most vehement in their tone or the most extreme in their demands—would, to a large extent, have declined to speak freely."

Then, the Report goes on to say :

" That if a witness decided to be heard in public, representatives of the Press were admitted to record his oral evidence, and received his written statement as well."

Then again :

" The record shows that, of the 411 witnesses who gave oral evidence, only 152 elected to be heard in public."

Now, Sir, let us test these statements. I shall rely for my facts on another newspaper of equal standing in the official world in another presidency as the " Pioneer " and the " Times of India " are in the United Provinces and Bombay, respectively : I mean the *Madras Mail*. The writer is a gentleman who, although he has not disclosed his identity, is evidently a member of the Civil Service as the facts that he gives clearly show. He says :

" One Service Association sent in its memorial and appointed some of its members to give evidence. Before the arrival of the Commission in Madras, the Secretary of the Association received a wire from the Secretary of the Commission asking whether the Association desired to give evidence in public or in camera. In public was the reply. When the Commission arrived in Madras and on the day before the evidence of the Association was to be taken, the Secretary of the Association received a request from the Secretary of the Commission by telephone asking him to apply for the Association's evidence to be taken in camera. It was too late for the Secretary to consult the general body of members, and as a definite request had been made by the Commission, the Secretary and those members of the Association who could be consulted agreed to send an application that the evidence should be taken in camera. After the application had been sent several members protested strongly but the step had been taken and nothing could be done."

Then he says :

" One of the two service representatives had put in a memorial which dealt candidly and faithfully with the question of the retention of the European Services and the Commission were anxious not to examine him on his memorial in public. The outcome of the matter was that the evidence of the service representative was taken in camera so far as it related to the joint memorial, but "—*and now comes the important part*—" the representative who had submitted independent views as a reply to the first interrogative, declined to be examined on the independent memorial in camera and after some deliberation, the Commission decided not to examine him at all."

It is clear that the writer speaks with knowledge that no one outside that particular association could possibly possess. The communication to the press was made with quite a different object, and not the object for which I am utilising it. What the writer says is : " It is true that the Royal Commission failed to take evidence in the proper way. But it is not our fault. It is not the fault of the Services, and there is no reason why those Services should suffer." And he points out that they took every precaution to see that their evidence was taken as publicly as possible. But is

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there now, Sir, after knowing these facts, any justification for saying that the witnesses—some of them bank men and some commercial men—were so very nervous of giving their evidence in public that the Royal Commission was obliged to hear them in camera. How far is the claim of my Honourable friend that we have been treated very well sustainable after this ? Now, Sir, these are the reasons ; they are not exhaustive but they are the reasons on which we ask the House not to identify itself with any part of the recommendations of the Commission and not to accept any one of those recommendations. Then we go on to make constructive proposals, proposals which suggest the measures that were indicated in the article of the *Times of India* on which I relied for the reconstruction of the administrative machinery to suit it for the present day needs of the country. My Honourable friend has referred to the question which the Commissioners put to themselves. He referred to page 18 of the Report where it is stated " In the days of the Islington Commission the question was how many Indians should be admitted into the public services ? " It has now become " what is the minimum number of Englishmen which must still be recruited ? " My Honourable friend further said that that showed the march of events and the progress that the country had made. If I may be permitted to formulate a question of my own, it will run something like this. " Is there any reason whatever why any Europeans at all should be retained in this country unless their services were required as experts or because they possessed special technical knowledge ? " That is the standard which should be applied. I do not say that that means that the European Service should be abolished. No. I say that the standard of qualification for service in India should be not because a certain proportion has to be retained, but because a certain kind of work has to be done for which the Europeans are especially qualified. Then I will be the last person in the world to share the suspicions of those to whom my Honourable friend was referring when he said that the services were supposed to come out here for their own selfish ends. The Honourable the Home Member then refuted this imaginary charge by referring to the small number of recruits that come out to India every year and said : " Can that state of recruitment mean that these people have selfish ends of their own ? " Now, I must say that everybody who takes up a service for remuneration has a selfish motive and selfish end to serve quite apart from his public duties. But I do not wish to say that these hard-worked gentlemen who come here, so far away from their native country, and who work honestly do so only for selfish reasons. Of course, there is a selfish element in the most unselfish work of which you can conceive. Nobody will deny that. But it is quite a different thing to say that a public servant comes out to this country with selfish motives. The selfish motives with which we charge the British Government lie elsewhere—not in the motives of the Services but in the motives which lie behind the maintenance of the Services. The selfish reason, however, is the maintenance of the grip over India for all time to come. That is the selfish reason. It is not that ten, twenty or a hundred young men from England should come out here every year and be provided for. No, certainly not. What we mean by selfish motives is that you are entering into our daily life day by day to such an extent that it will take—I do not know how long it will be—hundreds of years for us to shake ourselves free of you. What we want is that you should give us the right to walk erect

in our streets and then you can come in any numbers you like. Come as our friends, come as our neighbours, not as our rulers.

Then I come to Part II of my amendment, which speaks for itself. We have made our position fairly clear. We have said that we will not accept anything until we are satisfied that the recommendations of the Royal Commission upon that point are correct ; and, in order to satisfy us, we must have the materials that the Royal Commission had or any other materials which are likely to satisfy us. We are not sticking to the nature of the materials or the evidence. How can you expect anyone whom you ask to give money for a certain purpose to be prepared to give that money unless and until he has satisfied himself that the money is required and that he can afford it ? We cannot accept the *obiter dictum* of the Royal Commission that a certain amount is fair. We must have the materials before us. One argument used in favour of this huge expenditure is the rise in prices. Where in the world have the prices not risen ? Where in the world have permanent increases of salaries been given on account of the rise in prices ? We know that war bonuses have been allowed in England and in other countries. One of the reasons why the Royal Commission is prepared to recommend this permanent enhancement of salaries is that in India the Services were not given war bonuses. By all means give them something which is temporary. The Royal Commission were satisfied that a case had been made out for a permanent increase in the salaries. But how can you ask us to commit ourselves to an expenditure without satisfying ourselves that that is a proper expenditure and therefore must be incurred from the tax-payer's point of view ?

Now, Sir, there is one paragraph in the preamble which I should have noticed. One can understand the grievances of those who have become grey in the Service—men who entered the Service and built high hopes, which hopes were frustrated for some reason or other beyond their control and beyond the control of the Government. But what about the fresh recruits ? What about those who entered after 1919 with their eyes wide open as to what they may expect, what they may not expect ; who knew that the Government of India Act had been passed and that the country was bound to have a transitional period short or long. Even taking the Government of India Act as it stands, the very least that these gentlemen who entered the Services in 1919 should have known and must have known was that they would be subject to all the vicissitudes which are mentioned here as reasons for giving them increases. It will be insulting their intelligence to say that they did not take that factor into consideration. Are young Englishmen educated in English Universities unable to understand the simple fact that after the passing of the Government of India Act, it may any day happen that from the reserved field of service they may be transferred to the transferred field of service and after being so transferred will be subject to the vote of the Council or the Assembly, as the case may be. If they knew that—and I submit that there can be no reason whatever to think that they did not—then what reason is there to provide for allowances and advancements of salaries on that ground ?

Now, Sir, I shall not detain the House at any greater length. But I may be allowed frankly and candidly to say what is the general feeling about this Royal Commission Report. The recommendations of the Royal Commission purport to be a part of the great scheme inaugurated by the Government of India Act in 1919 to enable the country eventually to

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govern itself by gradually eliminating the European element from the administration. The Act itself was ushered in with a flourish of trumpets, as a remarkable piece of legislation. It was claimed for it that it was a new departure in the art of governing subject races whereby the Governors were giving to the governed, voluntarily, and in the interests of mankind in general, the right to govern themselves. Now, Sir, in the course of giving that right this Royal Commission was thought of as a necessary step. It was said that as India was progressively being entitled to responsible government something must be done to bring the Services into line with the conditions now prevailing and those which will prevail shortly in the country. What happened ? It was a great gift, if it was all that was claimed for it, but as the House is aware, there were some cynical people in the population of India who for the very reason that it was a most remarkable thing which had ever been done in the history of the world, looked askance at the Reforms, at the Act itself. They did the very ungrateful thing to examine a gift horse in the mouth, but no sooner did they do it they found it was a wooden horse ! The most venturesome of the cynical people I have referred to above refused to ride that wooden horse, and made up their minds to set out in right earnest to win the real horse, or lose the saddle. The less venturesome tried to ride it ; they rode it ; they shook themselves violently on it but it was so fixed to a steel frame underneath that it refused to rock. They had in their disappointment to ask that the steel frame may be a little loosened, so as to give some little play to this wooden horse. That request of theirs was listened to ; a Royal Commission was appointed ; Indianisation was promised ; but what was it that was done ? To carry the metaphor a little further, some screws and nails were taken from the front and fixed behind this machinery. The result was that it remained as immoveable as ever. The result is that they have not even a rocking horse to give them an opportunity to acquire the necessary grip for riding a real horse. Now, Sir, I know my friends opposite think that all this suspicion, all this distrust, is without foundation ; but look at the things that are being done from day to day, and what do they come to ? They come to this that the British Government are trying to stave off the evil day as long as they can ; the evil day when full responsible government will be granted to this country ; and meanwhile, for fear lest the day may come sooner than they imagine, what are they doing ? They are sinking their foundations deeper and deeper, so that when the day really comes they may have practically nothing to hand over to the next Government, and all that matters may remain in the possession of vested interests. That really is the feeling in this country, and as I have said there is justification for it. I will not go further than this that the history of the past few years since 1919 fully justifies an apprehension of that character. I appeal, therefore, to this House not to encourage that feeling by accepting the recommendations of this Commission, but to throw them out in their entirety. I think I have, by the indulgence of the Honourable the President and this House, given fully my reasons for asking the House to do so.

Mr. President : Amendment moved :

" That for the original Resolution the following be substituted :

' PART I.

That having regard to the following among other facts, namely :-

(*a*) That the Royal Commission on the Superior Civil Services in India was appointed and allowed to enter upon its functions in utter disregard of the Resolutions passed by the first Assembly ;

(*b*) That all questions affecting the Civil Services are inseparably connected with, and entirely dependent upon, the larger question of the grant of responsible government to India and cannot be entertained and satisfactorily dealt with unless and until the Resolution of this House on Responsible Government adopted on 18th February 1924, is substantially complied with ;

(*c*) That the terms of reference to the said Royal Commission and the recommendations made by it involve the perpetuation of an antiquated and anachronic system of public services without any attempt to reconstruct the administrative machinery to suit the present day conditions of India which are widely different from those prevailing when it was inaugurated ;

(*d*) That the said terms of reference to the said Royal Commission and the recommendations made by it are based on the unwarranted assumption that the existing system of government both Central and Provincial and the present position, powers and functions of the Secretary of State, the Governor General and the Governors of Provinces, would continue indefinitely ;

(*e*) That some of the recommendations of the Royal Commission are intended to deprive the Legislatures even of their existing powers by suggesting devices to transfer items of expenditure hitherto subject to the vote of the Assembly and the Provincial Councils to the head of non-votable items ;

(*f*) That the said recommendations have introduced racial discriminations in the treatment of the All-India Services ;

(*g*) That the said recommendations make the extraordinary provision that officers appointed to the All-India Services after 1919 as also those to be appointed hereafter shall have guarantees against and compensation for being transferred from the reserved to the transferred field of Service—a contingency which they must be taken to be well aware of when they were appointed ;

(*h*) That the recommendations of the Commission regarding the Medical Services are entirely unsatisfactory in that (1) they seek to perpetuate the complicated system of interdependence of the Provincial Medical Services upon the irresponsible Military Department ; (2) they introduce the objectionable principle and a costly scheme of provision for medical assistance to Europeans on a racial basis ; (3) they do not recognise the necessity of the Indian units of the Army being officered by Indian Medical officers ; and (4) they propose to absorb the present Indian Medical Service into the Royal Army Medical Corps (India)—a step which will practically close the door to Indian medical men in the said corps and thereby also in civil employment ;

(*i*) That the inquiry held by the Royal Commission has been unsatisfactory in that the bulk of the evidence on which the bald recommendations of the Commission are based was allowed to be tendered and accepted in camera and no material evidence is either indicated or made available to this Assembly ;

this Assembly recommends to the Governor General in Council that the recommendations of the Royal Commission on the Superior Civil Services of India be not accepted and this Assembly further recommends that instead of the recommendations referred to in clause (1), sub-clauses (*a*), (*b*) and (*c*) and clause (2) of Sir Alexander Muddiman's Resolution so far as the latter relates to future entrants into the Civil Services being approved the following steps be taken in respect of future recruitment and control of the Services, namely :

(*i*) That all further recruitment in England for the Civil Services in India including the Medical Service under the existing rules be stopped.

(*ii*) That a Public Services Commission be established in India and the constitution and functions of that Commission be determined on the recommendations of a Committee elected by this Assembly.

(*iii*) That His Majesty's Government be requested to take the necessary steps for the purpose of transferring the powers of appointment and control of the Services now vested in the Secretary of State to the Government of India and the Local Governments, such powers to be exercised under laws to be passed by the Indian and Local Legislatures regulating the Public Services, including the classification of the Civil Services in India, the methods of their recruitment, their conditions of service, pay, and allowances and discipline and conduct.

[Mr. President.]

PART II.

This Assembly is unable in view of the present financial condition of India and on the materials before it to satisfy itself as to the propriety and reasonableness of the recommendations of the Royal Commission in respect of the alleged grievances of those at present holding office in the Civil Services, and cannot with due regard to the interests of the tax-payer assent to the imposing of fresh burdens on the already overburdened finances of the country.

But, in view of the financial relief that will result from the stoppage of all recruitment outside India under the existing rules as recommended above in Part I, this Assembly is prepared to consider the alleged grievances of the present incumbents as regards pay, passages, concessions and pensions and recommends such measures of redress as may be found necessary, and for that purpose it recommends to the Governor General in Council to take steps for the election of a Committee by this House to enable them to go into the entire question on all the materials available to the Royal Commission including the evidence taken in camera or such other material as may be available and to make its recommendations to this House as early as possible '."

The Honourable Sir Charles Innes (Commerce Member) : Sir, I should like first to express our acknowledgments on this side of the House of the very moderate tone which the Honourable Pandit has adopted, and I hope, Sir, that all of us in this debate will try to observe the same restraint. I should also like to say, Sir, that we on this side of the House do recognise that in the last part of his Resolution the Honourable Pandit has held us out an olive branch. I am afraid I must make it perfectly clear that we cannot accept the proferred branch, but at the same time we do recognise that the Pandit has made the offer, and we thank him for it. I will not attempt, Sir, in the time at my disposal to take up all the points which the Honourable Pandit has covered in his very lengthy Resolution. In particular, Sir, I do not propose to follow the Pandit in his dialectics about the form of the Government Resolution. He criticised the wording of that Resolution, particularly the words " in principle " and " approximately ", and played very prettily with the point. He exercised himself very skilfully in dialectics. But, Sir, I am not a lawyer, and I am not a dialectician, and I take no interest in points of that kind. I am a plain, matter-of-fact person and I can only inform the Pandit that our intention was this. In the first place, we wanted to open the whole of this subject to discussion by the House. In the second place, we were unable to draft a Resolution of any reasonable length which would cover every point raised by the Commission. We desired therefore to make it plain that we accepted in the main the proposals of the Commission, while we reserve the right in minor points of detail possibly to vary those recommendations. My Honourable Colleague on my left will make plain our position in regard to the Indian Medical Service and the reason of the form that part of the Resolution has taken. It was not intended, as the Honourable Pandit tried to make out, to give us a free hand to do what we please under the protection of the words " in principle ".

4 P.M.

Now, Sir, the first clause of the Honourable Pandit's Resolution makes a complaint that the Royal Commission was appointed and allowed to enter upon its functions in utter disregard of the Resolutions passed by the first Assembly. I have much pleasure, Sir, in congratulating the Honourable Pandit on his conversion. Hitherto it has been the attitude of the Swaraj party in this House that they alone represent the people of India, and that the first Assembly did not represent the Indian people at all.....

Pandit Motilal Nehru : If I may make a personal explanation, I made it quite clear that in that particular matter the first Assembly was backed by the people.

The Honourable Sir Charles Innes : I am glad to see that the Honourable Pandit does the first Assembly at least that justice. What, Sir, was said in this debate about the appointment of this Royal Commission ? The Honourable Pandit to-day referred to the indomitable Dr. Gour. Let me read to the House what the indomitable Dr. Gour said when this question was debated :

" I beg to ask, Sir, how is this reconcilable with the statement made in the Montagu-Chelmsford Report, which lays down the programme of progressive Indianisation of the Superior Services for the next ten years ? Are we to go back on that Report ? Are we to scrap it ? "

Again, Sir, another prominent Member of the House, said :

" A set-back may be given to the cause of Indianisation. My Honourable friend, Colonel Gidney, suggests ' who knows—the Commission may make a recommendation which might accelerate the pace of Indianisation.' Is it likely, Sir, I ask, that a Commission appointed by the reactionary Government of Great Britain at the present moment could ever help the acceleration of the pace of Indianisation ? "

The House will see that when the last Assembly got so excited over the appointment of this Royal Commission, they were entirely under a misapprehension as to the scope of the Royal Commission's inquiry. Again, Sir, I must point out to the House that under section 96 of the Government of India Act the services are reserved to the protection and control of the Secretary of State. It seems to me, Sir, that this House has no right to take up the position that His Majesty the King, on the advice of his Ministers, is not at liberty to appoint a Royal Commission of this kind, even though the House may not approve of the appointment of that Commission ; and following that, Sir, I say that, when that Commission has been appointed by the authority of His Majesty the King-Emperor himself, then it is only fitting and right that this Assembly should show some respect to the Report of that Commission.

I pass on to the second clause of the Pandit's Resolution. This second clause deals with the inseparability of service questions from Swaraj. Sir, the Honourable the Pandit, if I may use the same expression again, played very prettily with the metaphor of the wooden horse and he suggested that a wooden horse could not go very fast (*Honourable Members*: " Could not go at all.") When the Pandit used that metaphor I do not think he could really have studied this Report and I do not think he could have made any attempt to realise how far the proposals of this Commission go. The term " All-India services " dates from the first Report of the Government of India on Reforms. In that despatch they said the All-India services :

" should be maintained as a model to all the rest and with the object of impressing the seal of the existing system both on the Indian as well as the European elements in them, we consider that recruitment, whether in India or in England, should be according to the methods laid down by the Secretary of State and that all persons recruited should be appointed by that authority."

And they went on to say :

" The basic idea is that the structure of the public services, its duties and the general conditions of its employment should remain as far as possible untouched by political changes, at all events till the advent of the first statutory Commission."

Well, Sir, contrast that statement with the recommendations in this Report ; compare that statement with what Sir Alexander Muddiman told

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you about the future composition of the Services, and then ask yourselves whether this wooden horse has not rocked to some purpose ! But, Sir, that does not meet the Honourable Pandit's point. The Honourable Pandit makes great play of the fact that the proposals of the Royal Commission retain control of at any rate two vital services, the Police and the Indian Civil Service, in the hands of the Secretary of State. As I understand the argument, that proposal of the Royal Commission is considered to be a negation in advance of the popular demand for a further constitutional advance, particularly in the direction of political autonomy and the abolition of dyarchy. I do not think it is fair to attack the Commission on that ground. Sir Alexander Muddiman read to you this morning the terms of reference to that Commission. They were not appointed in anticipation of, or in substitution of, the statutory Commission, they were appointed to consider the Services only, and what is more, the Services in connection with the existing state of affairs. They were not appointed to make any proposals for further constitutional advance.

The only connection which they had with further constitutional advance was in so far as that further constitutional advance might have effect upon one of the main subjects which they were considering—that is, the recruitment of the Services. That is, they had to take the contingency, the possibility of further constitutional advance into account merely with reference to that one consideration. And that is all they did. They pronounced no opinion on the question whether dyarchy is or is not a good thing. They pronounced no opinion upon the desirability or otherwise of constitutional advance. They confined themselves strictly to their job. That being so, it seems to me most unreasonable that when their proposals are put before this House, this House should say :

"We will not accept them because they do not fit in with what we consider to be a necessary measure of constitutional advance."

If, of course, the position of the House is that they are not prepared to consider any proposals regarding the Services which do not accord with what your ideas may be of further constitutional advance, then I say it is no use continuing this debate. We are not in a position—we have not come here to-day to discuss constitutional advance. We are not here to discuss the question whether dyarchy is or is not a good thing. We are not here to-day to discuss the question of provincial autonomy. We are here to-day to discuss the question of the Services only ; and if you are not prepared to discuss the question of the Services, then why continue the debate ?

Mr. A. Rangaswami Iyengar : How can we discontinue it ?

The Honourable Sir Charles Innes : Mr. Rangaswami Iyengar will have his chance later.

Mr. M. A. Jinnah : What will be the effect of accepting the principle of these recommendations upon the future of constitutional advance ?

The Honourable Sir Charles Innes : The Honourable Mr. Jinnah asks me what will be the effect of accepting these recommendations upon future constitutional advance. I say, Sir, that the effect will be nothing at all. With reference to the question of recruitment the Commission had to take into account the possible effects of future constitutional advance upon the functions which these two Services,—the Indian Civil Service and

the Police—are called upon to perform, and had to consider the possibility of these functions being transferred. And in paragraph 74 of their Report they provide for that contingency. At the same time, in spite of what the Honourable Pandit said, I must again re-inforce the point made by the Honourable Sir Alexander Muddiman this morning that there is a clear and vital distinction between the form of government and the business of administration.

Pandit Motilal Nehru : I never denied it.

The Honourable Sir Charles Innes : What the politician in India is concerned with is the form of government. I will be generous, Sir, and I will grant to the House that out of the 245 millions who live in British India possibly five millions are interested in the form of government. On the other hand, there are 240 millions—again I take a conservative figure—who are not at all interested in the form of government. In every country in the world the mass of the people do not care two straws what the form of government is. All they want is to be governed. All they are vitally concerned with—their peace, their happiness and their security depend upon the manner in which the administration is carried on by the Services. It is exactly here that the Indian Civil Service and the Police come in. The Honourable Pandit said we were now digging our foundations deep in order that when we came to hand over India to self-government we might hand over as little as possible. I say, Sir, there is one thing that the British Government can, will and should hand over to India when India gets Swaraj and that is, strong, pure, efficient and incorruptible public Services and that, Sir, is one of the main aims and objects of this Report (Hear, hear).

Then, Sir, the Honourable the Pandit said that the Services were an anachronism. He said, I understand, that I was an anachronism. Well, Sir, if I am an anachronism, I am, to quote Mr. Rudyard Kipling, a very pachydermatous anachronism, because I do not admit that I am an anachronism at all. The Honourable Pandit said that the Services are merely a survival. It was suggested very properly by some gentleman on his left that they were a survival of the fittest, but I pass by that point. He went on to say that the Services were a survival from a time which ended very many years ago, that the Services have gone lingering on, and that the only change was in their pay and in their conditions—their pay had been improved and their pensions had been improved. I would like to join issue with the Honourable Pandit at once. I have here some rather interesting statistics of what the pay of some officers was in 1826. The Collector of Customs of Agra drew as pay Rs. 4,000 a month. The Judges of Circuit in the North-West Provinces received as pay Rs. 3,750, Rs. 3,333 and Rs. 2,916 a month. At that time, Sir, the rupee was worth anything between two shillings and six pence and three shillings, and it makes us in these later days—it makes our mouths water to think of the pay our predecessors got. I am prepared to admit that in some respects a change has come over the duties particularly of a District Officer. The Collector, for instance, is no longer connected officially with the District Board or the municipality, but all my information is that though he is no longer President of the District Board and he is no longer the official advisor of the municipalities, at any rate in Madras he does discharge the function of being unofficially the advisor of the President of the District Board and of the Chairmen of the Municipalities and also the advisor of the Ministers. I am told, Sir, by all whom I know both in Madras and in other

[Sir Charles Innes.]

Provinces who occupy the position which I used to occupy as a Collector of a District,—and I may say, Sir, that I never wish to have a better time than when I was Collector and District Magistrate of Malabar—I am told that remarkably little change has come over their actual work. And I should like to say more. In the circumstances of India, I do not care what form of government you have, you will always have to have something corresponding to the Indian Civil Service ; you will always have to maintain the unit of the district. If you consider the size of the country, the distances from headquarters, and the number of the population, you will always have to have large districts and you will always have to have some officer in that district who will be the chief representative of Government. You, gentlemen, may change the form of government up here, but you are not going to change the nature of the people of India. The people of India—specially the people with whom we Civilians have to deal —like personal rule. The Honourable Pandit calls that a *ma bap* system. It may be a *ma bap* system, but it is what the ryots and what the ordinary people of this country like. They like some one person to whom they can go with their grievances, and I do not care what form of government you have in India, you must always have someone in that position in your districts.

Then, Sir, I say another thing. I say that it was never more vital than it is at the present time that you should have strong and efficient Services for the maintenance of law and order in this country. Here I am coming on to dangerous ground and I do not wish to say one word which will be provocative to any one. But I do feel that in the last few years—I will not put it higher than that—efforts have been made in this country to sap the foundations of law and order. I put it to this House that no country can be great unless it has that respect for law and order which is the foundation of the social order. In the last few years efforts have been made to sap that respect. Nobody can deny that there is much inflammable material lying about in India. You have your communal dissensions ; you have your caste dissensions ; you have your racial dissensions and you have your religious dissensions. At any time there may be a great conflagration. Now, Sir, I have touched on that matter as lightly as possible, because I just want to make one point. This is the very time which the Honourable Pandit selects for suggesting to the British Government at home that recruitment to the Indian Civil Service and the Indian Police Service, as it now goes on, should be stopped and that means, as Sir Alexander Muddiman pointed out clearly, that you are stopping your recruitment at home altogether. Now, Sir, the British public, the British Parliament are very greatly exercised by that aspect of the situation in India on which I have just touched and is it likely that you can persuade them to stop recruitment of Englishmen and Scotchmen for the Services of India just at this time ? It seems to me, Sir, that if you want to make that request you have selected a peculiarly inappropriate moment for doing so.

I am afraid I have already taken more than my time ; and I shall just say one word more. I come to what is after all the main question which this Report set itself to consider, namely, the question whether relief should be given to the Services concerned. Sir Alexander Muddiman gave you some figures in his speech this morning. He told us that from the beginning of the century to 1912 there had been an increase in prices, in the cost of living, which might roughly be put at between 40 and 50

per cent. He told us that between 1914 and 1923 there had been a further increase of 60 per cent. ; that is to say, since the beginning of this century the cost of living has gone up in India for the European by more than 100 per cent. (*Pandit Motilal Nehru* : " Only for the European ? ") I am dealing with the Services only. Sir Alexander Muddiman also told us, taking my own service only, that the actual increase of pay given to the Services, to the Indian Civil Service, was between 10 and 11 per cent. Now, Sir, I ask you to consider what that means to the Services. Nobody suggests—I would not for a moment suggest—that we should put the Services in precisely the same position as they were twenty years ago. Something to that effect was said in the Montagu-Chelmsford Report, but after all we have got to remember that there has been a war and we cannot expect to go back to the glorious days of the nineties ; but, Sir, I do put it to the House that the figures I have given show that the relief given to these Services in no way corresponds to the rise in the cost of living. In addition I think that you will all admit that the position of the Services has become more and more difficult. It may be natural perhaps ; but at any rate we who have to do the work of Collectors and the other district officials, we know that we are being made the target of attacks on all sides. It does not make our life any more pleasant and at the same time our means of living have got steadily more and more strained. Now, as Sir Alexander Muddiman said this morning, this is not the first time that these facts have been brought before the Government of India. In fact I am in a position to say that we received after 1920 memorial after memorial from all the Services on this very subject. We recognised their difficulties ; at the same time we felt that the financial condition of India was such that we could do nothing for them, and I am afraid that as a result we in the Government of India made ourselves very unpopular with the Services. What has been the result? The result is that these grievances of the Services have been placed before an impartial tribunal. I regret very much that the Honourable Pandit cast aspersions upon the Indian members of that tribunal. They are men who to my knowledge have rendered very real and distinguished services to India ; and when they are selected for a difficult job of this kind, it is no discredit for this House to recognise their public spirit in taking up their task ; and I think also, Sir, that it ill-becomes this House, when the Indian members of this Commission have made certain recommendations, to say that those recommendations should be rejected because you say you did not elect those Indian members.

At any rate the position of the Government of India is this ; for several years past we have been resisting these demands on the ground that we could not afford the money. Now, these demands have been put before this impartial tribunal ; the tribunal has laid these recommendations before us and we think that in justice to these Services we ought to accept those recommendations.

Our main principle in dealing with this Report—and here again I am afraid that I am fundamentally at variance with my Honourable friend, the Pandit—is that at any rate for these vital services, we should continue to attract the best class of Englishmen to this country. I reject the Honourable Pandit's statement that we should not recruit Englishmen unless they have technical qualifications. My belief, Sir, is that in the circumstances of this country India will for many years to come require Englishmen of the best class to assist her in her district administration ; and, if the Honourable Pandit wishes for further information on that particular point, let me remind him of the evidence which was

[Sir Charles Innes.]

given not only in Madras but in every province by the depressed classes. Every deputation from these classes pressed not for less but for more European representation.

Sir, I have not been able to answer all the points raised by the Honourable Pandit ; I have not attempted to do so ; I have tried to confine myself to the main points he raised and I hope, Sir, that in justice, in fairness to the Services, this House will accept the recommendations of the Lee Commission.

Mr. K. G. Lohokare (Bombay Central Division : Non-Muhammadan Rural) : To supplement the observations by our leader, Pandit Motilal Nehru, I will speak with reference to the Medical Services. As an humble member of the profession, allow me to submit that the views I express now are the result of considered opinions of about twenty Medical Associations having a membership of almost all eminent Indian medical men in important towns in India as well as of the provincial service and Indian sections of the I. M. S. Associations, and all of them have submitted their representations to Government on the subject before this day. All of them unequivocably endorse the recommendations of the Commission as entirely unsatisfactory.

I examine them one by one. The first is that the Civil Medical Service is to be constituted on the basis of a competitive examination to be held in England and India, and part of it is to be recruited from the military.

In view of making this country capable of meeting the needs of its administration, is it right that an examination for recruitment to a service should be held somewhere else ? The medical and sanitary administrations are the last in respect of political power. Even if officers for such innocent administration are yet to be recruited from outside, I do not know when and where we begin to take up full administrative control. If British statesmen yet demur for extraneous considerations to hand over the entire control of the departments already promised to be transferred, I do not know how long India will have to wait for attaining the responsible status for other branches of the administration. That the Military Department, one which is not responsible to the Legislature, should be the source of recruiting officers for civil administration is an anomaly yet being maintained. The Lee Commission Report not only does not make any progress in control by people of India in this case but definitely takes a retrograde step and no words can describe the feelings of deep disappointment of the Indian Medical profession in this respect.

Sufficiently trained material for taking full charge of the medical administration is available since long in this country. Indian Universities have all been conforming to the standard of the General Medical Council of the United Kingdom from their very beginning, and have been bringing out hundreds of medical graduates equally qualified with the medical men of the United Kingdom, not to say of the medical schools which turn out double the number every year. Thousands of Indians with actual training in the United Kingdom medical colleges are in private practice to-day. The number of Indians holding the highest British qualifications is many times more than the number of the European medical men in India with such qualifications. In research

and scientific work too Indians are not behind. At least a score of eminent Indian men have been doing such research work in medical science as would add to the knowledge of the world. Some of them in Bombay and Calcutta are engaged in research work on their own account—not with the pay and study leave at Government expense ! Why, highly qualified Indian medical men do not think of taking up Government service because of the lack of opportunities and the differential treatment meted out to them. With the material available, as satisfactory as even the United Kingdom can lay down, for administration of a Department in India, do you like, my Hon'ble Colleagues, an examination for recruitment for the medical administration somewhere else and power to recruit at least some of them in the hands of a Department irresponsible to the Legislature.

Representations from Medical Unions in important towns in India have definitely condemned the idea and I hope these are in the hands of the Government by this time.

The other recommendations of the Commission are :

(1) Clinical chairs for the civil services only ;

(2) Adequate medical attendance for British officers in civil employ ;

(3) A minimum of British medical officers in the Civil Medical Service ;

(4) Military reserve in India, R. A. M. C. (India) to be seconded ;

(5) Adoption of R. A. M. C. (India) as per the Burtchaell Scheme ;

and the Resolution by the Honourable the Home Member includes one more important factor, a factor which was not included in the Lee Commission Report :

(6) " Consideration of the conditions necessary to secure an adequate number of British medical recruits for the Army "—the bugbear of the whole question, and the result of the machinations of the British Medical Association against the legitimate aspirations of Indians—an attempt to push in the British medical men in the civil under the term—maintenance of attractiveness of Service, so often mentioned in the reports of the various Committees on Medical Services.

The reserving of clinical chairs for the members of Superior Medical Services only is, I submit, an obstacle to the advance of medical education in India. Such reservation excludes recruitment of the best teachers in the profession. The step is no advance. The number of highly qualified recruits is not sufficient for the administration nowadays. The Indian Medical Gazette Magazine conducted by the Indian Service Officers complains of this in service notes in the number of January 1924. To keep this scanty number for the clinical chairs is first to deprive the administration of good material, and secondly to shut the door against persons specially adapted to take to teaching work. Special recruitment open to all on reasonable emoluments should have been the recommendation. I am as well afraid—it is a known fact—it is no teaching work that attracts service men to these posts but opportunities

[Mr. K. G. Lohokare.]

for private practice with all well-equipped facilities at command in Government hospitals and dispensaries. Stoppage of private practice even with a compensatory allowance should have been the first condition for advancement of medical education in India. The Commission has not given consideration to the needs of medical education in this country and the recommendation in this respect is far from satisfactory.

Adequate medical attendance for British officers in the Civil Service and their families is a recommendation, I submit, vicious in principle, unnecessarily expensive to this country and an excuse or a device to put Europeans in important places, wherewith they may ascend to higher administrative appointments on the strength of having held important places formerly.

I illustrate the point. Because Agra contains a fairly large number of European officers and because they want medical aid at the hands of a European doctor, therefore the Civil Surgeon of Agra must be a European. Next comes the argument because Doctor X. Y. Z., of the Indian Medical Service, has held charge of an important place like Agra he has better experience than others—he must therefore naturally supersede an Indian above him and get the higher appointment. This is the device at the back of this recommendation. Had the recommendation been for purely medical aid to British officers—the Commission would have recommended separate posts for them having nothing to do with the other administration. Moreover, this soft corner argument stands not the least chance of being reasonable. We Indians wonder if it is from those who have come here to give us lessons in everything—Moral and Material. Science knows no colour, it is world property—that the scientific benefit must be doled out by persons of a particular colour is an inheritance of a part of the property of Indians—the property of the caste system—which the Indians are happily slowly parting with, and it pains us to see it thus sticking to those who for good or evil have been with us.

Besides the experience of eminent Indian medical men is otherwise. The representation from the Bombay Medical Union, that is already in the hands of the Government, says it distinctly. That the Commission, especially the European members, should have yielded to such an argument of colour and caste to say the least of it speaks against them. The unnecessary burden of expenses of travelling to and fro with an excuse of illness would be nothing more than a holiday trip expense of an officer with his family and children, saddled on to the shoulders of the poor Indian tax-payer. I am afraid it is not worth more than trash.

The recommendation of a minimum of British officers in the Civil either for administrative or for caste privileges of officer's purposes is already dealt with. But a peculiarity in it lies in the recommendation of the Commission in leaving control and determination of this number to the Secretary of State. It thus excludes the Indian members of the R. A. M. C. (India) cadre to be seconded to Civil. This is a step retrograde in effect to the existing arrangement and is a device that the recommendations of the bureaucracy should be worked up in the dark, while the Indian tax-payer should pay for it. If the needs of administration of the transferred departments are to be looked after by the Indian Member in charge, why should he be deprived of this part of the administration

too ? Firstly, this theory of a British minimum in such an innocent department as the Medical cannot stand, and secondly, if it at all stands, why should the tax-payers not decide how much and in what manner the burden is to be shouldered. The Commission has been taking a retrograde step—taking away the power out of the hands of the transferred department. Moreover, this minimum element theory entails a permanent loss to India. The officer, with all facilities for experience at the cost of Indian tax-payer, leaves this country with his bag and baggage, depriving her of the treasure of his knowledge and experience which he has gained at the expense of India.

Another recommendation of the Commission has to do with the vexed question of the " Economic employment of the Military reserve in Civil ".

That the Army in India requires a ready prepared war reserve always on the standing cadre is an assumption on which the Army department has been saddling the Civil administration in this country. Let me once for all mention that it is peculiar to India and I do not know why Indians and British statesman too should yield to the theory when they find no such reserve ever employed in any other country. The purpose can best be served by the Civil Medical service officers being put on the reserve list, with a training to begin with and a tour of service with the Army or the Territorial Forces at short periods. A large reserve can thus be maintained, and the " economy " so loudly talked of at least by the Military Department in India, when it can manage to be burdensomely heavy in other respects, can be effectively carried out to the best interests of both the civil administration and the military requirements too. I am sorry the Services Commission have dealt with the question so inequitably.

One more recommendation of the Commission is " adoption of R. A. M. C. (India) ". They have not said whether this Corps admits Indians at all. The R. A. M. C. is not open to Indians. The Services Commission probably acquiesces that Indians may not enter the Army Medical Corps. Unless the contrary is actually notified by the Government of His Majesty, I am afraid India stands to lose everything by this recommendation of the Commission at this stage at least. Secondly, this Corps is recruited in England only. It is unfair that an Indian because of his sin in being born and bred in India, is to spend money on foreign travel and education and thus pay a heavy indemnity to take his chance of being recruited for the service of the Army of his mother-land. In spite of the professional educational facilities, Indians have to pay this penalty. Granting that half of the number going to England for being recruited succeeds, it means for one recruit India has to spend for two—an amount of not less than Rs. 30,000 per head. The Commission undertook the responsibility of this penalty to Indian parents, but would not advise training facilities and examination here.

The last point, but of first importance, is the last part of the Resolution moved by the Honourable the Home Member which did not form part of the recommendations of the Services Commission. We are told here to admit another principle by which the civil administration will be perpetually enslaved to the military department, irresponsible as it is to the Indian Legislatures. The point is " conditions necessary to secure an adequate number of British recruits for the Army."

[Mr. K. G. Lohokare.]

I have already said it is referred to as the necessity of maintaining the attractiveness of the Military Medical Service in the reports of various Army and Medical Committees, and this attractiveness lies in the Military Service officers occupying posts in the Civil for ever. The number is nearly half. Instead of the Military Reserve being far below that, a good many officers, far more than the Military Reserve requires, are being drafted to civil employment. The Medical Services Committee has accepted that the Civil Departments are saddled with a far larger numbers of these officers than the Military reserve. So far this attractiveness lies in private practice in civil, and the result is inefficient Army Medical Service. I will here quote the words of the Esher Committee's Report :

"It was maintained that the officers of the latter services (I. M. S.) lack the necessary training for work in the field though quite as efficient professionally as the Royal Army Medical Corps and also specialised. This defect is attributed to their inferior military training."

These are the words of the Esher Committee Report. This factor creating inefficiency in the cadre ought to have been immediately dispensed with, and the Army cadre been restricted to the Army only, and made to serve the purpose best for which the cadre is meant. It is no use spoiling both the civil administration and the military efficiency by putting forth this attraction. The R. A. M. C. British has no such attraction. Why should the cadre in India only have it to the detriment of the purpose for which it is meant ? If recruits can be had for R. A. M .C. they can be had for the Indian cadre too. Besides the admission of Indians to the cadre in sufficient numbers would make up the deficiency of any of the British recruits if at all they fall short. If the aim of transferring the Army Services to Indians is really to be achieved, the Medical Services—the least offensive of the Army cadres, if I may say so—is the best thing for a good beginning for the Indianisation of the Army Services and I hope Government would not lose this opportunity of showing proofs of their good intentions in accepting Indians in large numbers for this Army Service, as so many professionally trained Indians willing to take a military career would be readily available. The last war has been a sufficient proof of the willingness and the efficiency of the Indian medical profession and it will serve no purpose of the Government of His Majesty to refuse the officering of Indian Units by Indian medical officers. If capability of self-defence is the test for obtaining self-government, and if the intention of Government are really honest, as expressed by the Honourable the Home Member in his speech at the Delhi session on the self-government Resolution, it stands to reason that this material of Indian medical men should be utilised in serving the Army. The Commission has as well failed to do justice to this cause.

I have said at the beginning that I will refer to some representations which support my statement. The first is the Bombay Medical Union's report. I may say that the Bombay Medical Union consists of a large number of highly British qualified people. They say :

"We notice with grave concern that officers from the Military Service are still to be seconded for civil employment and what is worse, that only European officers are to be thus treated—Indians being ineligible for seconding."

The second point they urge is that :

"The Services operating in the transferred field should be recruited and controlled only by the Local Government,"

The third point is this. They say :

" We are afraid that under these conditions, Indian recruitment for the R. A. M. C. (India) will fall practically to zero, and Indians instead of gaining anything by the change stand to lose what they have already got."

These are extracts from the Bombay Medical Union's report.

The second representation is from the memorandum presented to the Royal Commission by the Indian members of the Indian Medical Service in Madras. The points that they have dealt with are these :

" The civil and the military side of the I. M. S. should be separated, the military side to remain under the control of the Government of India as an All-India Service and to be recruited by competitive examination to be held in India, the civil side on the other hand, should be entirely provincialised and be under the control of the Local Government."

The second point they urge is :

" British and Colonial recruitment to the Indian Medical Service should be stopped at once. India's ideal is to entirely Indianise the services."

They further say :

" As regards the question of reserves for the Army the experience of the great war has proved that (1) private practitioners could be depended upon in time of emergency, (2) the R. A. M. C. has no war reserve, (3) I. M. S. men who have been in civil employ for some time are no better than private practitioners in that respect, (4) military training could be imparted to private practitioners through the Territorial and Auxiliary Forces as well as to all civil medical servants."

The last point is :

" Europeans coming to India should be prepared to submit to treatment by Indian doctors. No Indian doctor has been appointed in England to look after Indian officers and other Indian residents in England of whom there are several thousands, and there are several Indian doctors settled in England who have extensive practice exclusively among English people."

This is from the Madras Association of the I. M. S. men. The third is from Ahmedabad. It says :

" Resolved that the recommendations of the Lee Commission on Medical Services in India are very unfavourable in the interests of the Indian medical profession, augmenting still more invidious race distinctions, perpetuating the existing disabilities and unnecessarily increasing the heavy burden of expenditure on poor Indian tax-payers,"

and so on.

I will only read one more and finish. This is from the United Provinces Liberal Association. The meeting was presided over by Dr. Sir Tej Bahadur Sapru. The resolution passed was this :

" This Committee is also of opinion that the scheme of provincialisation of the Services, associated with the administration of transferred subjects, while seemingly satisfactory so far as it goes, cannot be approved inasmuch as the Indian demand is for the transfer of all subjects in the provinces to the control of the Legislature, as the Commission's recommendation will create a new motive of opposition to this demand on the part of the Services, now reserved, and as the recommendation itself is far too limited and qualified to result in an effective increase of the control of Ministers and Legislatures over those Services."

The last is :

" While the Committee approves of the establishment of a Civil Medical Service it is of opinion that the proposals with regard to the constitution of a Military Medical Service by the R. A. M. C. (India) and to the large proportion of civil medical posts to be filled from the latter, will amount to a continuation of the present Indian Medical Service in another and, from the Indian point of view, a more objectionable form,

[Mr. K. G. Lohokare.]

In the opinion of this Committee there should be two distinct medical services—an Indian Military and a provincial civil—the former entirely independent of the British War Office and recruited both in England and in India, and the latter wholly in this country."

Sir, I will not tire out the House by reading out other things. In one word, I say the recommendations of the Commission are ill-advised, retrograde, and stand no test of reason and offer nothing to Indian aspirations. They neglect to take the forecast of India's progress to self-government. The medical profession, therefore, cannot accept such recommendations and I have, therefore, to support Pandit Motilal Nehru's amendment in this respect.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 11th September, 1924.

APPENDIX B.*

Resolution adopted by the Assam Legislative Council on the 1st August 1924.

"This House recommends to the Government to move the proper authorities for postponement of the consideration of the recommendations of the Lee Commission so far as this province is affected till the matter of constitutional and administrative changes which are being enquired into is finally disposed of."

Resolution adopted by the Madras Legislative Council on the 23rd August 1924.

"That this Council recommends to the Government that it should convey to the Government of India the opinion of the Council that the Lee Commission's recommendations regarding Public Services should not be given effect to in this Province."

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* *Vide* page 3124 of these Debates.

LEGISLATIVE ASSEMBLY.

Thursday, 11th September, 1924.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

AUDITING OF THE ACCOUNTS OF THE GOVERNMENT AGRICULTURAL FARM AT TARNAB.

†1763. ***Lala Duni Chand** : (*a*) Is it a fact that the accounts of the Government Agricultural Farm at Tarnab, Peshawar District, in the North-West Frontier Province were audited for the first time since its establishment in 1910, from 1st September 1923 to 6th October 1923, by M. Fateh Mohammad, senior auditor ?

(*b*) Has the Audit Department furnished an audit and inspection note for the period April 1922 to August 1923 ?

(*c*) If the answer to parts (*a*) and (*b*) be in the affirmative, will Government please lay on the table a copy of the said audit and inspection note ?

(*d*) Is it a fact that the said audit note discloses serious defalcations in accounts and misappropriation of Government money ? If so, do Government propose to take criminal proceedings against the officials concerned ? If not, why not ?

(*e*) Will the Government be pleased to state whether M. Sharbat Ali Khan, Head Clerk of the Tarnab Agricultural Farm, has been made to retire on pension after twenty years' service, simply because he had assisted the auditors in finding out misuse and misappropriations of Government money by an important European officer ?

SUPPLY OF FREE FRUIT TO EUROPEAN OFFICERS FROM THE GOVERNMENT AGRICULTURAL FARM AT TARNAB.

1764. ***Lala Duni Chand** : (*a*) Is it a fact that in spite of orders to the contrary by the head of the Agricultural Department in the North-West Frontier Province, the European officer at Tarnab has been making free distribution of the farm fruit to various European officers in the Province, and the said Farm Officer did not bill anyone even when asked to do so ? Do Government propose to realise dues on account of the farm fruit from the European officers and others to whom it has been supplied free of charge ? If not, why not ?

(*b*) What has been the total expenditure of and the total income from the said Agricultural Farm during the last fourteen years of its existence, and if the expenditure has exceeded the income, are the Government

† For answer to this question—*see* below Question No. 1764.

prepared to take early steps to abolish the Farm and thereby prevent the waste of public money ?

Mr. J. W. Bhore : With your permission I shall reply to questions Nos. 1763 and 1764 together.

The Government of India have requested the Chief Commissioner to see that a thorough inquiry is made in regard to the working of the Agricultural Farm at Tarnab with reference to the facts disclosed by the report of the Auditor. They would accordingly prefer to postpone answering the Honourable Member on the points he has raised till they have obtained all the facts of the case.

Lala Duni Chand : Why is it that invariably questions relating to the North-West Frontier Province are not fully answered in the open House ? I may draw the attention of the Honourable Member to my questions Nos. 286 and 287 which were similarly treated. I understand it is to avoid inconvenience of exposure that this procedure is adopted.

TENDERS FOR STORES FOR THE ARMY REMOUNT DEPÔTS AT SARGODHA AND FARM AT TARNAB.

1765. ***Lala Duni Chand** : Is it a fact that the salary of Mr. Robertson Brown, Officer in Charge of the Tarnab Farm, has recently been increased from Rs. 700 to Rs. 1,350 ? and if so, will the Government be pleased to mention the reasons for such increase ?

Mr. J. W. Bhore : Mr Robertson Brown's new scale of pay is Rs. 1,050—50—1,350 per mensem. The reasons which led Government to increase it were that he had drawn the maximum of his old scale of pay, namely, Rs. 750, for five years and that his pay had not been revised to meet post-war conditions as had been done in the case of other officers, that having to live in a remote locality, the cost of living was high, and that his Circle had developed with a consequent increase of responsibility and was equal to that of an ordinary Deputy Director of Agriculture in the Indian Agricultural Service. The Government had also received good reports of his work.

TENDERS FOR STORES FOR THE ARMY REMOUNT DEPOTS AT SARGODHA AND MONA.

1766. ***Lala Duni Chand** : 1. (*a*) Is it a fact that tenders are invited for the contracts of petty stores and other things required by the Army Remount Depôts at Sargodha and Mona ? If so, are the contracts given to those whose tenders are lowest ?

(*b*) If the contracts are not given to those whose tenders are lowest, will the Government be pleased to state the reasons for this ?

2. (*a*) Is it a fact that in very many cases at the said two depôts the contracts are not given to those whose tenders are lowest, but are given to those whose tenders are higher and thus loss is caused to the Government ?

(*b*) If so, will the Government be pleased to state the names of those persons whose lower tenders were rejected and the names of those persons whose higher tenders were accepted, and also the rates of the tenders rejected and accepted at the said two places during the last year ?

Mr. E. Burdon : 1. (*a*) and (*b*). Tenders are almost invariably invited by public advertisement for the supply of petty stores required by the Army Remount Depôts, including those at Mona and Sargodha. The contracts for such supplies and services are not necessarily given to those whose tenders are the lowest. The practice is to accept the most favourable tender received from a tenderer who is considered reliable and suitable in all respects. A factor always taken into account is whether the tenderer possesses a knowledge and experience of the work of supplies required, and is punctual and efficient in the performance of contracts.

2. (*a*) As already explained in reply to part 1 of the question, contracts are not necessarily given to those whose tenders are the lowest. Government are satisfied that the system at present in force is the best calculated to obviate loss to the State.

(*b*) Government are not prepared to furnish the details asked for by the Honourable Member.

AMENDMENT OF SECTION 101 OF THE GOVERNMENT OF INDIA ACT.

1767. ***Lala Duni Chand** : Will the Government be pleased to inform the House how far the consideration of the matter in connection with the amendment of section 101 of the Government of India Act, as promised by the Honourable Sir Malcolm Hailey, the then Home Member, in reply to the Resolution *re* constitution of High Courts, moved by Diwan Bahadur T. Rangachariar on 19th February 1924, has progressed so far, and how long it will take to give effect wholly or partially to the said Resolution ?

The Honourable Sir Alexander Muddiman : My predecessor stated that the Government of India cannot frame any definite policy which they can place before the Secretary of State until they have considered the recommendations of the Royal Commission on the Services and of the Bar Committee. The Bar Committee's Report has been referred to Local Governments for opinion and the matter will be taken up as soon as their replies are received.

Lala Duni Chand : Is it a fact that the number of Indians competent to be Judges of His Majesty's High Courts in India is far greater than the number of Europeans equally fit and competent ? And if it is a fact, will the Government be pleased to take steps to make larger use of the available material.

The Honourable Sir Alexander Muddiman : Government in making appointments to the High Court endeavour to make the best use of all the available material.

INDIAN FOREST SERVICE OFFICERS.

1768. ***Khan Bahadur Sarfaraz Hussain Khan** : With reference to the reply of Government, stating " There are 303 officers of the Indian Forest Service who have been trained in Europe and appointed by the Secretary of State. Of these 33 are Indians " to starred question No. 1258 asked in the last Simla session of the Assembly, will the Government please state what was the number before Indianisation began ?

Mr. J. W. Bhore : There were four Indians.

PROPOSED NEW CENTRAL INDIA COALFIELDS RAILWAY.

1769. *Khan Bahadur Sarfaraz Hussain Khan : Will the Government be pleased to state :

(*a*) if the construction of the New Central India Coalfields Railway is under the consideration of Government ?

(*b*) if so, will they please state how far the scheme has progressed ?

Mr. A. A. L. Parsons : (*a*) and (*b*). The Central Indian Coalfields Railway project consists of two lines, one running from Daltonganj *viâ* Hutar to Barka Khana, and the other from Hutar to Anuppur. The construction of the former line has recently been sanctioned and the question of constructing the latter is under consideration.

Devaki Prasad Sinha : By what time do the Government hope that the construction of the Daltonganj-Barka Khana line will be completed ?

Mr. A. A. L. Parsons : I am afraid I cannot answer directly—I do not remember ; I think in about two years but I am not quite certain.

GRIEVANCES OF PASSENGERS TRAVELLING BY THE BANDEL-BARHARWA LOOP SECTION OF THE EAST INDIAN RAILWAY.

1770. *Khan Bahadur Sarfaraz Hussain Khan : (*a*) Has the attention of Government been drawn to the letter published in the issue of the *Forward* of the 11th July, 1924, page 11, under the heading " Inconveniences of Bandel-Barharwa loop section passengers " ?

(*b*) If so, will they please state if the statements made therein are correct ?

(*c*) If correct, do they propose to issue necessary instructions to the railway authorities concerned to have the grievances complained of redressed ?

Mr. A. A. L. Parsons : (*a*) Government have seen the letter referred to.

(*b*) Owing to shortage of stock Nos. 19 Up and 20 L. trains occasionally do not have their full complement of intermediate and III Class carriages. Government understand that the loads of these trains will be increased when stock is available.

Government are also informed that the passenger traffic on this section does not warrant more trains, and that the other matters complained of are receiving the attention of the railway authorities.

(*c*) In the circumstances Government do not propose to issue any instructions.

EUROPEAN AND INDIAN STATION MASTERS ON THE EAST INDIAN RAILWAY.

1771. *Khan Bahadur Sarfaraz Hussain Khan : Will the Government be pleased to state the number of railway stations on the East Indian Railway at which there are European station masters, and the number on which there are Indian station masters ?

Mr. A. A. L. Parsons : There are 35 stations with European Station masters and 466 with Indian Station masters on the East Indian Railway.

Khan Bahadur Sarfaraz Hussain Khan : Why is the number of Indian station masters so small—can you say ?

Mr. A. A. L. Parsons : The number of Indian station masters is 466 and of European station masters 35 !

COST OF MAINTENANCE OF THIRD CAVALRY REGIMENT, REDUCTION OF WHICH WAS REFUSED BY THE WAR OFFICE.

1772. ***Khan Bahadur Sarfaraz Hussain Khan :** (*a*) Is it a fact that the Retrenchment Committee recommended the reduction of the military establishment of India by three cavalry regiments and that in consequence of the War Office objecting to that recommendation only two regiments have been removed ?

(*b*) If so, will the Government be pleased to state the cost of the maintenance of the one regiment which has not been reduced ?

Mr. E. Burdon : (*a*) I invite the attention of the Honourable Member to the reply given on the 1st February last to part (*a*) (5) of starred question No. 40, and to the supplementary questions thereto.

(*b*) The cost of a British cavalry regiment is estimated at approximately Rs. 19,05,350 per annum.

Khan Bahadur Sarfaraz Hussain Khan : What did you say about the regiment—was permanent or temporary ?

Mr. E. Burdon : If the Honourable Member will refer to the previous replies which I have mentioned, he will find that his question is fully answered.

CONDITIONS OF RECRUITMENT OF INDENTURED LABOUR IN THE ASSAM TEA PLANTATIONS.

1773. ***Khan Bahadur Sarfaraz Hussain Khan :** Will the Government be pleased to state what are the conditions of recruitment of indentured labourers employed in the Assam tea plantations ?

The Honourable Mr. A. C. Chatterjee : No indentured labourers are employed in the Assam Tea Plantations.

ALLEGED HIGH-HANDEDNESS OF TRAVELLING TICKET CHECKERS ON THE ASSAM BENGAL RAILWAY.

1774. ***Khan Bahadur Sarfaraz Hussain Khan :** (*a*) Has the attention of Government been drawn to the letter published in the issue of the *Forward* of the 13th July 1924 page 11 under the heading " A. B. Railway Travelling Ticket Checkers' Alleged High-Handedness " ?

(*b*) If so, will the Government be pleased to state if the statements made therein are correct ?

(*c*) If correct, do they propose to issue instructions to the railway authorities concerned to check the evil complained of ?

Mr. A. A. L. Parsons : (*a*) Government have seen the letter referred to.

(*b*) and (*c*). On receipt of a report of the incident inquiries were at once instituted by the Railway Administration and necessary action taken. The system of paying bonuses to Travelling Ticket Examiners out of the amounts recovered by them is no longer in force.

INDIAN REPRESENTATIVES TO THE INTERNATIONAL LABOUR CONFERENCES.

1775. *Khan Bahadur Sarfaraz Hussain Khan : (*a*) Is it or is it not a fact that Government consult the Unions or organisations and the associations of labourers and agriculturists before they send their representatives to the International Labour Conferences ?

(*b*) If not, do Government propose to consult them in future ?

The Honourable Mr. A. C. Chatterjee : The Honourable Member is referred to the answer given by me on the 18th February 1924 to Mr. K. G. Lohokare's unstarred question No. 140.

LEGISLATION FOR REGULATION OF THE SYSTEM OF PAYMENT OF WAGES.

1776. *Khan Bahadur Sarfaraz Hussain Khan : Will the Government be pleased to state whether they intend to undertake legislation for regulating the system of the payment of wages within a fixed period after they become due ?

The Honourable Mr. A. C. Chatterjee : No, but the Department of Industries and Labour is at present engaged in examining the systems of payment of wages in vogue in different industries and in different parts of the country.

AMENDMENT OF THE WORKMENS' COMPENSATION ACT.

1777. *Khan Bahadur Sarfaraz Hussain Khan : (*a*) Has the attention of Government been drawn to the paragraph published in the issue of the *Forward* of 16th July, 1924, page 9 under the heading " Workmen's Compensation Act " ?

(*b*) If so, do the defects pointed out, exist ?

(*c*) If so, do Government propose to consider the desirability of making necessary amendments in the Act ?

The Honourable Mr. A. C. Chatterjee : (*a*) Yes.

(*b*) No. The criticisms appear to be based on ignorance of the provisions of the Act and on misunderstanding of the principles underlying legislation of this type.

(*c*) Does not arise.

CONSULTATION WITH THE LEGISLATIVE ASSEMBLY REGARDING INDIAN REPRESENTATIVES DEPUTED TO ATTEND MEETINGS OF THE LEAGUE OF NATIONS.

1778. *Khan Bahadur Sarfaraz Hussain Khan : Will the Government be pleased to state if they would consider the desirability of consulting the Legislative Assembly before representatives are appointed to represent India at the meetings of the League of Nations ?

Sir Henry Moncrieff Smith : In reply to a similar question asked by Mr. Lansbury in the House of Commons on the 14th of July 1924, the Under Secretary of State for India gave the following reply :

" It is not usual for Executive Governments to consult their legislatures in making such appointments."

The Government of India have nothing to add to that statement. I lay on the table a copy of the complete question and answer.

Dr. H. S. Gour : Is the Honourable Member aware that he was referring to Executive Governments responsible to the Legislatures and was not referring to an Executive independent of the Legislature ?

Sir Henry Moncrieff Smith : I think the Under Secretary's reply had particular reference to India.

Dr. H. S. Gour : Is the Honourable Member prepared to give a single instance where an Executive independently of the Legislature made nominations for which the Legislature is held financially responsible ?

Sir Henry Moncrieff Smith : Is the Honourable Member aware of a single instance when they did not ?

Mr. Devaki Prasad Sinha : Does the representative represent the Government of India or the people of India ?

Non-oral Question No. 2, dated 14th July, 1924.

Mr. Lansbury.—To ask the Under Secretary of State for India, whether the Legislative Assembly in India was consulted before the appointment of Lord Hardinge to represent India at the meeting of the League of Nations in September next ; will he inform this House by whom Lord Hardinge and the other members of the delegation were appointed ; was any effort made, either in this country or in India, to discover whether the members of this delegation represent, directly or indirectly, the views and opinions of representative Indians on either national or international questions ; and will he give the names of the members of the delegation Lord Hardinge is to lead ?

Answer.

The answer to the first part is in the negative. It is not usual for Executive Governments to consult their legislatures in making such appointments. The answers to the second and fourth parts have been given in my reply to question No. 1. The answer to the third part is in the affirmative.

GROSS EARNINGS OF THE DELHI-UMBALA-KALKA RAILWAY.

1779. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Has the attention of Government been drawn to the paragraph published in the issue of the *Statesman* of the 18th July, 1924, page 18 under the heading " Delhi-Umbala-Kalka Railway " ?

(*b*) If so, will they please state if the statement made therein is correct ?

(*c*) If so, is there any special reason for a decrease in the gross earnings for the year to such a large amount as £26,000 ?

(*d*) Does the East Indian Railway's contract include the Delhi-Umbala-Kalka Railway ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) Yes, except that it would have been more correct to say that the Delhi-Umbala-Kalka Railway would be worked by State agency.

(*c*) In 1922-23 the earnings were increased by special pilgrimage traffic to Kurukshetra on account of the Sun Eclipse Mela held in that year ; those in 1923-24 were not similarly assisted.

(*d*) No.

GRIEVANCES OF PASSENGERS TRAVELLING BY THE DIAMOND HARBOUR LINE OF THE E. B. RAILWAY.

1780. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Has the attention of Government been drawn to the letter published in the issue of the *Forward* of the 18th July, 1924, page 9 under the heading " Grievances of Diamond Harbour line passengers" ?

(*b*) If so, are the statements made therein correct ?

(*c*) If correct, do the Government propose to issue necessary instructions to the railway authorities concerned to redress the grievances referred to ?

Mr. A. A. L. Parsons : (*a*) Government have seen the letter referred to.

(*b*) and (*c*). Government understand that there is no room for additional carriages on No. 137 Up train. The III class accommodation could be increased only by curtailing the intermediate class accommodation, and the latter was recently increased as the result of representations. The question, however, is being reconsidered.

The possibility of starting No. 148 Down train 10 minutes later is also being examined.

In the circumstances Government do not propose to take any action.

RECENT RIOTS AT DELHI.

1781. ***Khan Bahadur Sarfaraz Hussain Khan** : Will the Government please furnish the House with complete information regarding the recent riots at Delhi ?

The Honourable Sir Alexander Muddiman : The information asked for is laid on the table.

Report on Delhi Bakr Id Riots.

When Mr. Barron made over charge to me he remarked that he was handing over the quietest spot in India. This seemed clearly to be the case. As the Government of India is aware however the "shuddi" movement had been actively conducted in this part of India for some time previous and the efforts of certain enthusiastic spirits to convert various classes of Muhammadans to the Arya tenets were bitterly resented by equally ardent Musalmans. Attempts to get hold of orphans and derelict women of either community by agents of the other were certainly made. The local newspapers on either side published accounts of such attempts with bitter comments. It seemed undesirable to try and prevent the publication of accounts which were not palpably untrue and it was a matter of opinion whether the comment was justified or no.

There seemed however every prospect that the local Congress Committee would be able to induce the proselytising agencies to desist from their efforts and thus allay the feelings that had been aroused in the newspaper reading public. There was in fact some cessation of cases by the beginning of July. The meetings of the Congress Committee however were by no means harmonious and relations were strained within the two communities themselves over political disagreements in which Delhi had no monopoly. This want of unanimity among prominent men had probably little direct effect on subsequent events but it no doubt had a serious indirect effect in removing a possible restraining influence over the more turbulent members of the population.

Among the latter a more disturbing influence was the long standing dispute over some land in Bara Hindu Rao in the west of the City. Litigation had been going on for some years between two Hindus over a plot of land upon which meanwhile a

Muhammadan praying place known as the Jamadarwali mosque had gradually been established. A decision on title had recently been arrived at by the Courts and the successful litigant was prepared to take possession. An enthusiastic Maulvi thereupon proceeded to address an audience of Musalmans at this mosque in very violent language inviting them to resist any attempt of the Hindus to take possession of the property. A large Hindu crowd collected and the police had the greatest difficulty in preventing a very serious riot which however they were actually able to avert. This took place on the 4th July. Minor disputes over this mosque took place on subsequent dates. The leading participants in this disturbance were sent up for security and the maulvi was prevailed upon to desist from provocative language. I think however that this dispute was a very considerable cause of the bitterness displayed in the Bara Hindu Rao on July 15th.

It was considered advisable as a precautionary measure to ask for the presence in Delhi of some troops to support the police in the event of disturbances occurring during the Bakr Id. These precautions were intended to be complete by the evening of July 13th. Meanwhile the usual proclamation had been issued by the District Magistrate prohibiting the sale in public of any cattle intended for slaughter ; the slaughter of cattle in any place other than the municipal slaughter house ; prescribing routes by which cattle and meat might be taken to and from the slaughter house ; and making other minor provisions.

An order was also issued prohibiting the carrying of *lathis* during the period covering the Bakr Id ; which was subsequently extended up to the end of August.

There was certainly tension in Delhi and the usual protests by the Hindus against cow killing appeared with counter claims by the Musalmans. There appeared however to be no reason why anything untoward should happen before the festival itself.

On the morning of the 11th July, a dispute arose between a Muhammadan boy and some Kahars at a well in Bagh Diwar, in the course of which the boy was seriously injured. A report was made to the police and inquiries started at once. Shortly afterwards a rumour was spread that the boy had been murdered and his assailants were concealed in Katra Nil. A number of Muhammadans gathered and made a somewhat half-hearted attack on Hindus in Katra Nil and the Chandni Chauk. All shops in the Chandni Chauk immediately shut but the police had no difficulty in quelling the disturbance. About 4 P.M., however, more serious rioting began in the same place and spread down to the clock tower and up to Fatehpuri. Muhammadans were mostly appearing with *lathis* and endeavouring to attack the closed shops, while the Hindus pelted them with bricks from the house tops. The police arrived on the scene and cleared the Chauk driving the Muhammadans up Egerton Road, Ballimaran, and Katra Barian, and holding them there by means of pickets. About this time a solitary Hindu coming from the other end of Balli Maran in search of his cow was surrounded by Muhammadans and murdered. The rioting spread thence to Khari Baoli, Naya Bans, and Lahore Gate, and it was only stopped after repeated *lathi* charges on the part of the police. Rioting broke out again in Naya Bans and simultaneously a crowd of Muhammadans attempted to cross the Sadar bridge into the city. The Naya Bans rioting was again quelled, and the crowd at Sadar Bridge was forced back by the police into Sadar Bazar whence the disturbance spread as far as Idgah Kohna through the back streets, and it ended there with the burning of some thatched huts and the murder of one Hindu occupier and wounding of several others. The District Magistrate had meanwhile asked for the assistance of the armoured cars, which arrived at this moment and had an excellent moral effect. The Officer Commanding, 10th A. C. C., a little later telephoned for the troops previously arranged for. The troops already available provided three pickets to stand during the night, and the armoured cars continued to patrol the city for several hours. Everything was quiet and the pickets and the armoured cars were withdrawn after midnight ; meanwhile police pickets were posted at all important places and two striking forces of about 50 men each with lorries were posted at the Kotwali and Sadar Bazar posts respectively. They carried out patrols and proceeded at once to any place where disturbance was apprehended.

During the next 3 days isolated attacks on members of both communities and a certain amount of stone throwing occurred ; but more serious disturbance was averted.

On the 13th July, a Muhammadan from Moradabad, who was apparently unacquainted with the orders in force, was caught by some Hindus in Pahari Dhiraj attempting to sell a cow for sacrifice. He was removed by the police and no disturbance occurred but the incident aroused hot resentment among the Hindus and focussed attention upon the Hindu quarter in Pahari Dhiraj. It was therefore considered inadvisable to allow cows for sacrifice to be taken along Pahari Dhiraj, although it was not at the time one of the routes prohibited by the proclamation. The prohibition of this route by a further proclamation was to be avoided if possible, as

such a course would doubtless have been construed as an undue favour to the Hindus. The owners of two cows at Bara Hindu Rao who were desirous of using this route were accordingly approached by the Sub-Inspector and on his representation agreed to take their cows by another and equally short route.

On the morning of the 15th, however, it was reported that these two cows were actually brought to the slaughter house as agreed, but at the instigation of certain evilly disposed persons were again returned to Bara Hindu Rao with a view to being taken along Pahari Dhiraj. A considerable and excited crowd collected at Bara Hindu Rao and it became necessary to decide whether to force the cow through in the teeth of the Hindu opposition or to prohibit the route to the Musalmans. A row was in any case inevitable. The Senior Superintendent of Police advised the Deputy Commissioner to prohibit the route and this was done. The proclamation was duly read out by the District Magistrate and Muhammadans concerned expressed their acquiescence in the matter. Unfortunately evil influences again prevailed, and before long an organised attempt was made by a large and excited mob to force the cow through Pahari Dhiraj. The police picket at Bara Hindu Rao was unable to hold the crowd and was gradually pressed back. On arrival at the Hindu quarter at Pahari Dhiraj the mob was greeted by a fusillade of brick-bats directed from the house tops. Severe fighting followed and the police were eventually compelled to fire. The street was then cleared but both Muhammadans and Hindus were constantly collecting in the neighbouring *galis* and the police had hard work in dispersing and disarming them. In this they were assisted by the cavalry.

While the fighting was going on at Pahari Dhiraj a gang of murderers attacked several Hindu houses and a temple, killing several Hindus, setting fire to two houses, and desecrating a temple. The Fire Brigade arrived without loss of time and extinguished the fires. The wounded were removed to the Civil Hospital in tramcars and the sight of their arrival there was the cause of a minor disturbance which was suppressed without much difficulty.

I have come to the conclusion that Mr. Orde's advice in this matter was undoubtedly correct. The position was a difficult one but in past years no sacrificial animal had been brought this way and there were several alternative routes. Although there was no legal prohibition of this route the attitude of the Musalmans was purely provocative. I think that there is no doubt that this route was rightly proclaimed.

The next occurrence of importance was an attack on the night of 16th-17th by Hindus on a mosque in Egerton Road in which two Muhammadans received serious injuries but the arrival of the police prevented the affair from further developing. Later on however another gang of Hindus was reported to have collected in a side street of Egerton Road ; the police arrived and ordered them to disperse, and on their refusal to do so dispersed them by force.

During the next few days further isolated cases of assault and of stone throwing continued to be reported, in one of which a Hindu was fatally stabbed ; but no further attempt at organised rioting having taken place, the troops from the New Cantonment were gradually withdrawn from duty, and on the morning of the 19th returned to Cantonments.

Feelings ran very high and though in many Mohallas the members of the minority community were protected by the majority there is no doubt that for days after the riots there were parts of the City where it was dangerous for a Hindu or a Muhammadan to go. In the acts of violence which occurred after the rioting neither community is free from blame.

It is in my opinion clear that no disturbance was organised before this festival. The early rioting on the 11th shows that feeling was only gradually aroused. It is doubtful if any preparations for defence were made before the 11th but it is perfectly certain that before the 15th village *jats* were called in by the Hindus as *lathials* probably only for defensive purposes as chaukidars. Some of these men certainly engaged in rioting and many were injured but got away home. There is certainly no doubt that stores of stones were collected on the roofs to pelt at passers-by, particularly by Hindus.

One of the chief difficulties in restoring confidence was the dissemination of wild and exaggerated rumours and recriminations by the local press. Daily bulletins were issued giving a correct version of the various incidents which had occurred during the previous 24 hours, and an appeal to reason was addressed to the leading men of both communities, and a warning to the press. The shops however remained closed in the affected areas till the 20th of July, when the Jats and butchers of Sadar

Bazar were persuaded to effect a mutual reconciliation. Two days later the shop-keepers were prevailed upon to reopen their shops, but the Hindus in Chandni Chauk are still closing their shops at sunset. Investigations are proceeding but the efforts of the magistrates and the police conducting them are largely frustrated by the production of a large amount of false evidence implicating some of the most respected men of both communities.

Elaborate arrangements were made for the maintenance of peace during Muharram which passed off quietly. This situation is now much improved and the police pickets are being gradually withdrawn.

The officially known casualties, *i.e.*, those admitted to hospital, are as follows :

	Hindus.	Musalmans.
July 11th	45	25
July 15th	55	25

Of these 16 Hindus and 1 Musalman died before or after reaching hospital. Many more were injured, but these preferred either to forego treatment or to get themselves treated privately.

I think that it is extraordinary that the damage done in the Bakr Id rioting was so trifling. For this I give the greatest credit to Mr. Orde whose original dispositions were excellent and whose coolness in emergency was beyond all praise. He was ably supported by Deputy Superintendent Hamid-ud-din, Inspector Nazir-ul-Hak, C.I.D., Sub-Inspectors Hari Pal and Qazi Zamiruddin and by Inspector Milchem and Sergeants Liddell and Macgill : but the whole force well maintained its traditions.

Mr. Dodd did himself credit in handling a situation new to his experience and of the Magistrates Mr. Sohan Lal and Mr. Lincoln were of the greatest assistance. The Honorary Magistrates did not embarrass the official authorities.

Called upon unexpectedly the military responded with great promptitude and I am particularly indebted to Major Forestier Walker in Command of the striking force. Colonel Budgen Commanding the Brigade placed his resources unreservedly at our disposal.

What would have happened had the situation got out of control it is difficult to say but the chief feature of the rioting was that it was man to man Hindu to Musalman. There was no looting and very little material damage. The mob idea was to attack a male member of the opposite community. Women and children have been hurt in some cases seriously but attacks on women and children were the exception rather than the rule.

SHOOTING OF INDIANS IN BRITISH GUIANA.

1782. ***Khan Bahadur Sarfaraz Hussain Khan** :(*a*) With reference to the reply given to the starred question No. 1364 asked in the Assembly during the last Simla session, will the Government be pleased to state if the inquiry made by the British Guiana Government has been completed and the result of it known to Government ?

(*b*) If so, will they please communicate the result to the House ?

Mr. J. W. Bhore : (*a*) and (*b*). The Government of India have not yet been apprised of the results of the inquiry referred to by the Honourable Member but they have not lost sight of the matter and will make a statement on it as soon as the necessary information becomes available.

INDIA AND BURMA MILITARY AND MARINE RELIEF FUND.

1783. ***Khan Bahadur Sarfaraz Hussain Khan** : Will the Government be pleased to state :

(*a*) the year in which the India and Burma Military and Marine Relief Fund was started ?

(*b*) the annual amount of interest derived from the capitalised amount of the Fund ?

(*c*) (*i*) the total number of persons who have received assistance since the fund was started ?

(*ii*) the number of Indians and Europeans respectively, who received such assistance ?

Mr. E. Burdon : (*a*) The India and Burma Military and Marine Relief Fund was created by the Government of India Resolution No. 771, dated the 10th September 1923.

(*b*) The amount of annual interest derived from the capital constituting the fund is Rs. 34,586-8-0.

(*c*) (*i*) The total number of persons who have received assistance since the fund was started is 39.

(*ii*) European 1.
Indians 38.

EMPLOYMENT OF MEDICAL OFFICERS ON PILGRIM SHIPS.

1784. **Mr. K. G. Lohokare** : Will Government please say :

(*a*) Whether they have received any complaints from any steamship company or other authority or passengers regarding the efficiency or otherwise of medical officers on board the ships who hold qualifications registrable in India only ?

(*b*) Whether such complaints were (*i*) against Licentiates of Indian medical schools only and not against Military Assistant Surgeons or (*ii*) against persons holding Indian registrable qualifications in general ?

(*c*) Have any of the authorities concerned or individuals specially asked the Government to continue the Military Assistant Surgeons to be medical officers of the ships ?

(*d*) What are the reasons that have led Government to notify a change in the Indian Merchant Shipping Act, Rule 80, so as to prohibit licentiates of Indian medical schools being employed by shipping companies ?

Mr. J. W. Bhore : With your permission, Sir, I shall answer the question as a whole. No complaints were received from Indian shipping companies but even prior to 1909 such complaints were made frequently by the medical staff of the Kamaran Lazaretto regarding the inefficiency and low qualifications of Hospital Assistants or Sub-Assistant Surgeons employed as medical officers on pilgrim ships from British India. Accordingly in 1909 the Government of Bombay proposed that every medical officer employed on pilgrim ships should possess either a degree or at least the license of a recognised University or the qualification of a Military Assistant Surgeon, and the proposal, which was accepted by the Government of India and the Secretary of State, was incorporated in rule 80 (3) of the rules issued in 1910 under the Pilgrim Ships Act. The Honourable Member will thus observe that the exclusion of the licentiates of Indian medical schools from the appointments of medical officers on pilgrim ships under the notification referred to by him is not a new departure. As regards Military Assistant Surgeons, the position prior to 1922 was that while initially they acquired the same qualifications as sub-assistant surgeons, later on they had to pass a special examination of a much higher standard which was held by the Director General, Indian Medical Service. Military Assistant Surgeons who may qualify after 1922 have to do a five years' course and are also on a different footing. Officers of both these classes, therefore, remain eligible in virtue of their superior qualifications. I may add that the reasons for insisting on a comparatively high standard in the case of medical officers of pilgrim ships are the desirability

of making such ships medically self-sufficient and the increased importance attached by international opinion and by public opinion in this country to the provision of competent medical aid for pilgrims during the voyage.

Mr. K. G. Lohokare : Do Government not think the licentiate qualification sufficient for taking general charge of a pilgrim ship ?

Mr. J. W. Bhore : No, Sir, they do not.

Mr. K. G. Lohokare : Do Government propose to move the Provincial Governments to make the medical schools work up to the desired standard ?

Mr. J. W. Bhore : No, Sir ; that is a matter for the Local Governments to initiate themselves.

PROVISION OF INTERMEDIATE CLASS ACCOMMODATION ON THE GREAT INDIAN PENINSULA RAILWAY.

1785. *Mr. K. G. Lohokare : (*a*) Is it a fact that on the G. I. P. Ry. intermediate class accommodation is provided only in the express and mail trains and not in any other through passenger trains ?

(*b*) Is it a fact that the intermediate class accommodation on such trains on the G. I. P. Ry. as have it, is in many cases limited to only one compartment without any sleeping accommodation therein ?

(*c*) Is it a fact that on many branch lines on the G. I. P. such as the Dhond Manmad, Dhulia-Chalisgaon and many others no intermediate class compartment is ever put on ?

(*d*) Will Government be pleased to say if they have taken notice of this absence and scanty accommodation of the intermediate class on through trains on the G. I. P. even when such trains are running first class invariably unoccupied, second class partially so, third class overcrowded ; if they yet intend to allow the G. I. P. Railway to do without intermediate class accommodation on through passenger trains ; if the Railway management and Government have considered the convenience to the public and return to the Railway from intermediate class instead of first class carriages where they are scarcely occupied ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) On some trains two compartments are provided and on others one compartment with 46 seats. Sleeping accommodation is not provided for intermediate class.

(*c*) No intermediate class accommodation is provided on branch lines.

(*d*) Government understand that sufficient intermediate class accommodation is provided on the two express trains between Bombay and Poona and the express trains between Bombay and Delhi and that therefore similar accommodation on the Poona and Punjab mail trains is not necessary. They also understand that the provision of further intermediate class accommodation is receiving the attention of the Railway Administration.

CONSTRUCTION OF A STATION AT BHAMBURDA ON THE GREAT INDIAN PENINSULA RAILWAY.

1786. *Mr. K. G. Lohokare : Will Government please say if the arrangements to hand over the land for Bhamburda station on the G. I. P. Railway are completed as per reply to my starred question No. 978

asked on the 24th March 1924, and if it is possible to undertake the construction of the station by the next financial year ?

Mr. A. A. L. Parsons : The question of the amount of land required for a station at Bhamburda is still under investigation.

CLOSURE TO THE PERMANENT CADRE OF THE INDIAN MEDICAL SERVICE TO INDIANS.

1787. ***Mr. K. G. Lohokare** : Will Government be pleased to say :

(*a*) What are the reasons for closing the competitive I. M. S. examination and introducing method of selection only ?

(*b*) Why the I. M. S. permanent cadre is now closed to Indians, from what year was it closed and when the door will be reopened ?

(*c*) What is the total number of admissions to the I. M. S. permanent cadre and appointments on short term contract, since the closure till now ?

(*d*) Out of these appointments how many officers hold—

(*i*) the F. R. C. S. or M. D. (*ii*) Hygiene and Tropical Medicine qualification (*iii*) additional University degree other than the professional ?

(*e*) How many Indians holding the above degrees are serving for the present on the temporary list and how many such persons have relinquished their appointments during the period of closure ?

(*f*) If they had taken notice of a pamphlet " Medical Services in India " published by the Servant of India Society, if so, what action has been taken on the views expressed therein ?

(*g*) If the D. G., I. M. S. or the D. M. S. or the C.-in-C., or the Government of India had represented against this closure against Indians to the Secretary of State and the War Office ? If not, do any of them intend doing so ?

(*h*) Which of these above authorities recommended the closure of I. M. S. to Indians and which do yet wish it to be continued ?

Mr. E. Burdon : (*a*) The competitive examination for admission to the Indian Medical Service ceased in 1915 because it was impossible to hold an examination during the war. It has not been considered feasible to revive the examination because conditions have been generally disturbed and also because there have not been sufficient European candidates available in the United Kingdom to make it worth while holding a competitive examination. The method of selection was also introduced to enable officers who had served in a temporary capacity during the war to be considered for the grant of permanent commissions.

(*b*) The grant of permanent commissions to Indians has been held in abeyance since March 1922 for the reason that in the years preceding that date the number of Europeans recruited had been disproportionately small. As was stated on the 27th May last, in reply to the Honourable Member's

question No. 1047, it is impossible to say at present when the recruitment of Indians to permanent commissions in the Indian Medical Service will be reopened.

(*c*) Since March 1922, 44 officers have been admitted to the permanent cadre of the Indian Medical Service, but 4 subsequently died or resigned, 32 of them have the option of resigning the service after 5 years.

(*d*) The records of these officers are not complete, but so far as information is available, the particulars are as follows :—

F. R. C. S.....1 ; M. D.....3 ; Hygiene and Tropical Medicine qualifications.....2; Additional University degrees other than professional .....4.

(*e*) In order to furnish the information desired in this part of the question, it would be necessary to examine the personal files of all the officers concerned. This would involve a considerable amount of labour which, in the opinion of the Government of India, would not be justified by the result.

(*f*) The Government of India have not seen a copy of the pamphlet referred to by the Honourable Member.

(*g*) and (*h*). On these points, the Government of India are not prepared to furnish any information. I may explain, however, that neither the Director General, Indian Medical Service, the Director of Medical Services or His Excellency the Commander-in-Chief is competent to make any representation of the kind suggested.

Mr. K. G. Lohokare : I want to know if they made any representations.

Mr. E. Burdon : I said that the Government of India were not prepared to furnish information on that point.

Mr. K. G. Lohokare : As regards (*b*), what is the proportion of Europeans that the Indian candidates have been debarred ? Was it so high ? In reply to (*b*) the Honourable Member said that the percentage of Europeans was disproportionately small, therefore the examination was closed. I beg to inquire what was that percentage of Europeans in the competitive examinations held before.

Mr. E. Burdon : There were no competitive examinations at the time.

Mr. K. G. Lohokare : When there was competitive examination, the European percentage was higher. This was the reply given. I beg to inquire what was the percentage.

Mr. E. Burdon : You mean to say, prior to 1915 ?

Mr. K. G. Lohokare : Yes.

Mr. E. Burdon : Then I must ask for notice of that question.

Sardar V. N. Mutalik : With regard to (*c*), what do the Government of India intend to do with regard to those persons who are holding temporary appointments in the department ?

Mr. E. Burdon : A certain number of them will, I hope, in due course be considered for the grant of permanent commissions.

Mr. K. G. Lohokare : What is the percentage of Indians for the permanent service ?

Mr. E. Burdon : I should like to have notice of that question.

Mr. K. G. Lohokare : As regards (*f*), will Government be pleased to take notice of the pamphlet referred to ?

Mr. E. Burdon : If the Honourable Member will give me a copy, I will read it.

POLL-TAX IN KENYA.

1788. ***Mr. Jamnadas M. Mehta** : (*a*) Will Government be pleased to state the total number of Indians punished either with fine or imprisonment or both for refusing to pay the poll-tax in Kenya ?

(*b*) Will Government lay on the table a complete list containing the names and occupations of the Indians referred to in (*a*) ?

(*c*) Does the poll-tax apply to women and children ; does it apply to minors also ?

(*d*) What steps if any have Government taken to get this tax removed ?

Mr. J. W. Bhore : (*a*) and (*b*). The Government of India are not in possession of the information.

(*c*) No : it is paid by every male adult, other than a native.

(*d*) The Honourable Member is referred to the answer given by me to Mr. Ramachandra Rao's question No. 1229 on the 4th June 1924.

Mr. Jamnadas M. Mehta : As regards (*a*) and (*b*), will Government be pleased to inquire and furnish the information ?

Mr. J. W. Bhore : I do not think, Sir, any useful purpose will be served by obtaining that information.

INTERCEPTION OF TELEGRAPHIC MESSAGES.

1789. ***Diwan Bahadur M. Ramachandra Rao** : (*a*) Will the Government be pleased to state the names of the officers who have been specially authorised under section 5 of the Indian Telegraph Act, 1885, to order the interception of messages under section 5 (1) (*b*) of the said Act ?

(*b*) Will the Government be pleased to state the names of the persons or the classes of persons whose messages had been stopped in the official years 1921, 1922, 1923 and the classes of subjects in regard to which the transmission of messages had been stopped during the same period ?

(*c*) If there is any periodical return submitted to the Governor General in Council by the Local Governments or by any specially authorised officers in regard to action taken under section 5 (1) (*b*) of the said Act, will the Government be pleased to lay the same on the table for the official years 1921, 1922, and 1923 ?

The Honourable Sir Alexander Muddiman : (*a*) Action is taken under this section only on the occurrence of any public emergency, or in the interests of the public safety, and Government do not consider it to be in the public interests to divulge the names of any officers especially authorised under the section.

(*b*) The Government of India have no information, as no lists are maintained.

(*c*) No such returns are submitted to the Governor General in Council.

INTERCEPTION OF POSTAL ARTICLES.

1790. *Diwan Bahadur M. Ramachandra Rao : (*a*) Will the Government be pleased to lay on the table a statement of goods intercepted in the official year 1923, by the Post Offices under section 25 of the Indian Post Office Act, 1898 ? If there is any periodical return of such goods, will the Government be pleased to lay such return for the official year 1923 on the table ?

(*b*) Will the Government be pleased to state in how many cases orders were passed in the official year 1923, by the Governor General in Council, the Local Governments and specially authorised officers under section 26 of the Indian Post Office Act, 1898 ?

(*c*) Will the Government be pleased to state whether any intimation has been given in each case to the senders of the postal articles where such articles had been intercepted under section 26 of the said Act ?

(*d*) Are the Government prepared to direct that in future the orders should be published in the official gazette of the province when action is taken under section 26.

The Honourable Sir Alexander Muddiman : (*a*) The information is not available. No return of such goods is maintained.

(*b*) Action is taken only on the occurrence of any public emergency, or in the interests of public safety or tranquillity, and Government do not consider it to be in the public interests to state the number of cases in which action was taken in 1923.

(*c*) The Act does not require intimation to be given to the senders of intercepted articles and presumably no such intimation is given.

(*d*) The answer is in the negative.

Diwan Bahadur M. Ramachandra Rao : Will the Honourable Member take steps to ensure that such intimation is given to the senders of the intercepted articles ?

The Honourable Sir Alexander Muddiman : That is, with reference to action taken under section 26 ? Certainly not, Sir.

Diwan Bahadur M. Ramachandra Rao : Then how is he to know whether the articles have been detained ?

The Honourable Sir Alexander Muddiman : I do not think he should know, Sir.

EVIDENCE OF PROVINCIAL MINISTERS AND EX-MINISTERS BEFORE THE REFORMS INQUIRY COMMITTEE.

1791. *Mr. T. C. Goswami : Have Government invited all Ministers and *ex*-Ministers (of the Provinces) to appear as witnesses before or send in written statements to the Reforms Inquiry Committee ?

If not, (1) do Government propose to do so ?

(2) Which of the Ministers and *ex*-Ministers have been so invited ?

The Honourable Sir Alexander Muddiman : The question as to which Ministers and *ex*-Ministers should be invited to appear as witnesses before the Reforms Inquiry Committee is a matter for the Committee to decide and

not for Government. In the Resolution of the Government of India dated the 20th June, 1924, constituting the Committee, however, all persons who desired to supply written evidence for the consideration of the Committee were invited to do so and to say at the same time whether they were prepared to give oral evidence or not.

Mr. K. Ahmed : Do Government propose for the benefit of the country first of all to examine persons specially and particularly from the community that forms the majority of the people of Bengal and listen to their statements which they will make on the subject as stated in question No. 1791, in view of the fact that the Honourable the Leader of the House is the President of the Reforms Inquiry Committee ?

The Honourable Sir Alexander Muddiman : I am the President of the Committee but here I am representing the Government, not the Committee.

Mr. M. A. Jinnah : Sir, is it a fact that an invitation was sent and notified in the Gazette to the public at large that any person who had any standing, position or experience of the working of the Reforms should send in his memorandum ?

The Honourable Sir Alexander Muddiman : As I have stated before, all persons who are interested were invited to send in a memorandum.

Mr. M. A. Jinnah : And was the time which was originally fixed at the 1st of August extended to the 15th of August ?

The Honourable Sir Alexander Muddiman : I believe the Honourable Member is correct.

Mr. M. A. Jinnah : Was any responsible person refused an opportunity to give evidence ?

The Honourable Sir Alexander Muddiman : The Committee will be able to answer that question.

Mr. T. C. Goswami : Sir, do I understand that the Ministers and *ex*-Ministers, who have been invited to give evidence or to submit written memoranda, have done so on their own initiative and not at the invitation of the Government ?

The Honourable Sir Alexander Muddiman : The Committee would be in a better position to answer that question. I am standing here for the Government and I cannot reveal what is going on in the Committee.

Mr. K. Ahmed : In view of the fact that the President of the Reforms Inquiry Committee or his Secretary has already received some written memoranda from the particular community that is in the majority in Bengal, do Government propose for the benefit of the country and the purposes for which this inquiry is being held to examine them first ?

The Honourable Sir Alexander Muddiman : I have said to the Honourable Member before that the question of the examination witnesses is one for the Committee and not for the Government.

Mr. M. A. Jinnah : But, Sir, may I ask, so far as the Government are aware, has the Committee refused to give an opportunity to any responsible person to give evidence ?

The Honourable Sir Alexander Muddiman : Certainly not, Sir.

PUBLICATION OF THE EVIDENCE OF PROVINCIAL MINISTERS AND EX-MINISTERS BEFORE THE REFORMS INQUIRY COMMITTEE.

1792. * **Mr. T. C. Goswami** : Will the Government be pleased to publish or lay on the table of the Assembly, now or at a later date, the written and oral evidence of Ministers and ex-Ministers before the Reforms Inquiry Committee ?

The Honourable Sir Alexander Muddiman : The written and oral evidence in question is evidence supplied not to Government but to a Committee appointed by Government, and Government will not be able to decide the action which should be taken as regards the evidence until they receive the report of the Committee.

Mr. T. C. Goswami : Will the decision rest with the Committee as to what is going to be published ?

The Honourable Sir Alexander Muddiman : Certainly not. It will rest with the Government, to whom the Report will be submitted.

Mr. K. Ahmed : Do Government propose to gather the true version of the real state of things in Bengal as far as the present political situation is concerned ?

Mr. President : I think the Honourable Member had better ask to be allowed to appear before the Committee himself.

OPINIONS OF PRESENT AND PAST PROVINCIAL MINISTERS ON THE REPORT OF THE LEE COMMISSION.

1793. * **Mr. T. C. Goswami** : (*i*) Have the present and past Ministers been given an opportunity of expressing their opinion on the Report of the Lee Commission ?

(*ii*) If so, will Government kindly lay these opinions on the table of the House ?

The Honourable Sir Alexander Muddiman : I have answered this question several times. A report was laid on the table at the first meeting of the Assembly.

Mr. Devaki Prasad Sinha : Sir, have the Government noticed that in the memorandum which has been circulated this morning all the present Ministers have opposed the recommendations of the Lee Commission ?

The Honourable Sir Alexander Muddiman : I do not think, Sir, that arises out of my answer. The answer relates to the laying of the Report.

RANCHI RADIUM INSTITUTE.

1794. * **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Has the attention of Government been drawn to the paragraph under the heading "Ranchi Radium Institute" in chapter VII pages 117 to 118 of the Local Government publication "Bihar and Orissa in 1923" ?

(*b*) If so, will they please state (*i*) if they agree to the remarks made therein and (*ii*) whether they propose to ask other provinces to co-operate under the directions of the Central Government as suggested in the last portion of the paragraph ?

Mr. J. W. Bhore : (*a*) The reply is in the affirmative.

(*b*) (*i*) and (*ii*). As the Honourable Member is aware, medical administration is a transferred subject and it is not possible for the Government of India to take any initiative in the matter without the consent of Local Governments. They have, however, drawn the attention of these Governments to the passage in question and asked for an expression of their views on the suggestion made therein.

Mr. Devaki Prasad Sinha : Sir, is it not a fact that the management of this Institute rests with the Government ?

Mr. J. W. Bhore : No, Sir.

THE INDIAN FOREST SERVICE EDUCATION STAFF.

1795. * **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Is it a fact that the officers of the Indian Forest Service Education Staff seldom serve as Instructors for more than three years ?

(*b*) If so, do the Government propose to consider the desirability of retaining the members of the Staff for longer periods, as suggested in the first paragraph of page 3 of the pamphlet " Forest Research at Dehra Dun " Reprints from the *Englishman, the Civil and Military Gazette* and the *Rangoon Times* ?

Mr. J. W. Bhore : (*a*) The reply is in the affirmative.

(*b*) The matter is engaging the attention of Government.

MAJOR PRODUCTS OF THE RESEARCH INSTITUTE, DEHRA DUN.

1796. * **Khan Bahadur Sarfaraz Hussain Khan** : Will the Government be pleased to state :

(*a*) The major products of the Research Institute, Dehra Dun, in the year 1923-24 ?

(*b*) The quantity exported from India in the year 1923-24 ?

(*c*) The quantity consumed in India in the year 1923-24 ?

Mr. J. W. Bhore : The Forest Institute at Dehra Dun is for research. It does not yield products in commercial quantities. Questions (*b*) and (*c*) therefore do not arise.

DECORATIVE WORK IN NEW DELHI.

1797. * **Khan Bahadur Sarfaraz Hussain Khan** : Will the Government please state whether the work of decoration in New Delhi will be given to Indian artists ?

The Honourable Mr. A. C. Chatterjee : I would invite the Honourable Member's attention to the Resolution passed in the Council of State on this subject on the 11th February 1924. The Government of India propose to act in accordance with that Resolution.

THIRD CLASS ACCOMMODATION ON MAIL TRAINS.

1798. * **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Has the attention of Government been drawn to the letter published in the issue of the

Forward of the 23rd July 1924, page 11, under the heading "Bombay Mail, and Inter Class Passengers" ?

(*b*) If so, are the statements made therein correct ?

(*c*) If correct, do Government propose to issue instructions to the railway authorities concerned to remove the inconvenience of the passengers referred to in the letter ?

Mr. A. A. L. Parsons : (*a*) Government have seen the letter referred to.

(*b*) Yes.

(*c*) The restriction is imposed and the higher fare is levied, because accommodation by mail trains is limited. Passengers, travelling under 200 miles or not wishing to pay the higher fares, can use fast express trains for any distance on payment of ordinary fares. In the circumstances, Government do not propose to issue any instructions in the matter.

PROMOTIONS ON THE EASTERN BENGAL RAILWAY.

1799. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government reply to starred question No. 1457 asked in the last Simla session of the Assembly will the Government please state if the inquiry they promised to make has been completed ?

(*b*) If so, will they please communicate the result to the House ?

Mr. A. A. L. Parsons : (*a*) and (*b*). Yes, and the information has been supplied to the Honourable Member on 21st June 1924. A copy is placed on the table.

LETTER FROM THE SECRETARY TO THE GOVERNMENT OF INDIA, RAILWAY DEPARTMENT (RAILWAY BOARD), TO N. M. JOSHI, ESQ., M.L.A., NO. 674-E., DATED SIMLA, THE 21ST JUNE 1924.

Promotion of Indian Traffic Staff.

With reference to the reply given to question No. 1457 in the Legislative Assembly on the 11th June 1924, I am directed to state that no Indian Station Master, Asstt. Station Master or Guard of the Eastern Bengal Railway has been directly promoted to the posts of Traffic Inspector, Transportation Inspector, Claims Inspector or Assistant Traffic Superintendent, the reason being that until recently the men taking up these appointments were not generally speaking suitable for the higher posts referred to owing to insufficient education and inability to control others.

I am however to add that Indian office clerks, Shed Inspectors and Assistant Goods Supervisors of the Eastern Bengal Railway have been appointed as Traffic Inspectors, Claims Inspectors and Outstanding Inspectors and that one Indian Traffic Inspector and one Indian clerk have been appointed Assistant Traffic Superintendent in the Local Traffic Service.

EUROPEAN AND ANGLO-INDIAN STATION MASTERS AND ASSISTANT STATION MASTERS ON THE EASTERN BENGAL RAILWAY.

1800. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government reply to starred question No. 1458 asked in the last session of the Assembly will the Government please state if the inquiry they said they were making has been completed ?

(*b*) If so, will they please communicate the result to the House ?

Mr. A. A. L. Parsons : (*a*) Yes, the information was sent to the Honourable Member on the 29th July 1924.

(*b*) The station masters and assistant station masters in question are not required to pass in telegraphy or work as signallers as this is not considered necessary, their duties in this respect being of a supervising nature. All such employees are, however, required to pass examinations in Coaching and Goods work.

ALLEGED CHARGES OF BRIBERY AND CORRUPTION AGAINST CERTAIN EMPLOYEES OF THE OFFICE OF THE DISTRICT TRAFFIC SUPERINTENDENT, KATIHAR, EASTERN BENGAL RAILWAY.

1801. ***Khan Bahadur Sarfaraz Hussain Khan :** (*a*) With reference to the reply " Government have no information but have asked the Agent to let them know the facts " to starred question No. 1460, asked in the last Simla session of the Assembly, will Government please state if they are in possession of the facts ?

(*b*) If so, will they place them before the House ?

Mr. A. A. L. Parsons : (*a*) Yes and they were communicated to the Honourable Member on 5th July 1924.

(*b*) An inquiry into an alleged extortion from menials on the Katihar District of the Eastern Bengal Railway was held and it was not proved that such extortion took place. Certain features in the working of the Chief Clerk and the Menial Establishment Clerk, however, were found to be unsatisfactory, and on this account their future promotion has been affected. The transfer of the menials was considered necessary as it was undesirable that they should remain in the District after the occurrence.

OVERCROWDING OF NIGHT TRAINS LEAVING BOMBAY FOR NASIK AND POONA, RESPECTIVELY.

1802. ***Khan Bahadur Sarfaraz Hussain Khan :** (*a*) With reference to the reply " Government have no information on the subject, but inquiry is being made ", to starred question No. 1465, asked in the last Simla session of the Assembly, will the Government please state, if the inquiry has been completed ?

(*b*) If so, will they please communicate the result to the House ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) The Railway Administration, with a view to checking the numbers of passengers, had a count taken during the week ending 12th July, 1924. This was the week in which the Ashadi Ekadasi Fair at Pandharpur took place and only on two trains during this week was there found an excess of passengers over the accommodation provided.

LAST GENERAL ELECTIONS IN INDIA TO THE LEGISLATIVE ASSEMBLY AND PROVINCIAL COUNCILS.

1803. ***Khan Bahadur Sarfaraz Hussain Khan :** Will the Government be pleased to state:

(*a*) the number of candidates for the last general elections both in the Legislative Assembly and the Provincial Councils ?

(*b*) the number of candidates who forfeited their deposits for failing to secure one-eighth of the votes polled ?

(*c*) the names of the provinces in which women have been admitted to the franchise ?

(*d*) whether any women have exercised their right of voting, and if so, in which province or provinces ?

The Honourable Sir Alexander Muddiman : The Honourable Member is referred to the Return showing the results of election in India, 1923, a copy of which is in the Library of this House.

GRIEVANCES OF RAILWAY PASSENGERS.

1804. ***Khan Bahadur Sarfaraz Hussain Khan :** (*a*) Has the attention of Government been drawn to the letter published in the issue of the "Forward" of the 24th July, 1924 page 11 under the heading "Grievances of Railway Passengers" ?

(*b*) If so, will they please state if the statement made therein is correct ?

(*c*) If correct, do they propose to issue necessary instructions to the railway authorities concerned to redress the grievances complained of ?

Mr. A. A. L. Parsons : (*a*) Government have seen the letter referred to.

(*b*) and (*c*). Government understand that, although the stock used is old, it is the best that is available for the service. A census taken during March, since when extra trains have been put on, showed that No. 42 Down was not overcrowded. The Railway Administration are not aware of passengers having had to travel on foot-boards.

PROVISION OF REFRESHMENTS ON THE LINE BETWEEN PURULIA AND RANCHI.

1805. ***Khan Bahadur Sarfaraz Hussain Khan :** (*a*) Are the Government aware of the fact that at none of the stations between Purulia and Ranchi (B. & O.) are refreshments such as tea or biscuits available ?

(*b*) If so, do Government propose to issue instructions to the railway authorities concerned to remove this inconvenience to the public by ordering some refreshments to be kept at some station midway between Purulia and Ranchi ?

Mr. A. A. L. Parsons : (*a*) Government are aware that there are no tea rooms between Purulia and Ranchi, but understand that refreshments other than tea and biscuits can be obtained on trains and at most stations. Ample time is also allowed for through passengers to obtain what they require in the refreshment room at Purulia.

(*b*) On the completion of the Hesla-Chandil Chord, there will be a junction at Thulin, midway between Purulia and Ranchi, and it is intended to open a refreshment room there.

In the circumstances Government do not propose to issue any instructions.

REMOVAL OF THE OFFICE OF THE ACCOUNTANT GENERAL, CENTRAL REVENUES, FROM CALCUTTA TO DELHI.

1806. *Khan Bahadur Sarfaraz Hussain Khan : (*a*) Will the Government be pleased to state if it is a fact that the office of the Accountant General, Central Revenues, will be removed from Calcutta to Delhi ?

(*b*) If so, when ?

The Honourable Sir Basil Blackett : The office of the Accountant General, Central Revenues, will move to Delhi early in October next, except a portion of the staff which will remain at Calcutta in connection with—

(1) the experiment which it is proposed to try in Calcutta in connection with the scheme for centralisation of payments ; and

(2) certain other items of work which are at present done in the Accountant General, Central Revenues' office but which will have to be transferred to the office of the Accountant General, Bengal.

DISMISSAL OF MR. B. A. FAUZDAR FROM THE BENGAL AND NORTH WESTERN RAILWAY.

1807. *Khan Bahadur Sarfaraz Hussain Khan : (*a*) Has the attention of Government been drawn to the paragraph published in the issue of the *Searchlight* of the 25th July 1924, page 2, under the heading "B. & N. W. Railway Association" "Welfare Committees" ?

(*b*) If so, will they please state :

(*i*) if it is a fact that B. A. Fauzdar has been dismissed summarily for having refused to be a member of the "Welfare Committee" ?

(*ii*) If so, whether they will please make an inquiry, and communicate the result to the House ?

Mr. A. A. L. Parsons : (*a*) and (*b*). Government have not seen the paragraph but have the Agent's assurance that the statements made in it have no foundation in fact.

Mr. N. M. Joshi : May I ask, Sir, what are the facts ? Will Government be pleased to state what the facts are in connection with this matter ?

Mr. A. A. L. Parsons : I do not think there are any facts, Sir.

Mr. N. M. Joshi : I cannot understand what the Honourable Member means by saying that there are no facts. Is there no Welfare Committee started there, and what sort of Welfare Committee is it ?

Mr. A. A. L. Parsons : The question does not ask whether there is a Welfare Committee there, but relates to the dismissal of a gentleman called Mr. B. A. Fauzdar.

EXCESS FARE EARNINGS OF TICKET COLLECTORS ON THE EASTERN BENGAL RAILWAY.

1808. *Khan Bahadur Sarfaraz Hussain Khan : With reference to the reply stating "Government have no information but will make

inquiries " to starred question No. 1524 asked in the last Simla session of the Assembly, will the Government be pleased to state :

(*a*) if their inquiries have been completed ?

(*b*) if completed, will they please communicate the result to the House ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) The orders were issued as stated but they were intended only to ensure Ticket Collectors performing their duty in preventing passengers travelling without tickets—a very common occurrence. The Agent, however, recognised that the method adopted in this matter was open to possible objection and the orders have been since withdrawn and modified.

INDIAN ARMY SCHOOL OF EDUCATION.

1809. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Will the Government be pleased to state if there are other Indian Army Schools of Education for the training of Indian officers and non-commissioned officers as Instructors, besides the one at Belgaum ?

(*b*) If so, at what other places ?

Mr. E. Burdon : (*a*) The answer is in the negative, and (*b*) therefore does not arise.

SHORTAGE OF RAILWAY WAGONS.

1810. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Has the attention of Government been drawn to the first paragraph of the paragraph published in the issue of the " Englishman " of the 26th July 1924 page 10 under the heading " Shortage of Wagons " ?

(*b*) If so, will they be pleased to state if the complaint made therein regarding the " Shortage of Wagons " is correct ?

(*c*) If correct, do they propose to issue instructions to the authorities concerned to make such arrangements as to remove the complaint referred to ?

Mr. A. A. L. Parsons : (*a*) The Government have seen the paragraph referred to.

(*b*) and (*c*). Temporary difficulties in the transport of coal are liable to occur from time to time, but the supply of wagons to the coal-fields may be said generally to have improved in the last few months. At the moment there is an ample supply of wagons, but there is some difficulty in meeting in full indents for certain destinations owing to temporary restrictions. For instance, on the East Indian Railway booking *viâ* Agra East Bank is closed owing to breaches beyond that point.

There is no need to issue any special instructions as the matter is constantly under the consideration of the Railway Board and Railways.

Mr. Devaki Prasad Sinha : Do the Railway authorities take any steps to meet the demand for wagons during the busy season ?

Mr. A. A. L. Parsons : Yes, Sir, every step we possibly can take.

Mr. Devaki Prasad Sinha : Will the Government be pleased to state at least one of the steps that they propose to take or that they do take ?

Mr. A. A. L. Parsons : We buy more wagons, improve our marshalling arrangements,—I am afraid I cannot detail now all the steps we take.

CLOSING AT NIGHT OF BIRATI, HRIDAIPUR AND DAGOCHIA STATIONS ON THE EASTERN BENGAL RAILWAY.

1811. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Has the attention of Government been drawn to the letter published in the issue of the "Forward" of the 27th July, 1924 page 9 under the heading "Grievances of Railway Passengers" in connection with the decision of the railway authorities of the E. B. Railway for the night closing of Birati, Hridaipur and Dagochia railway stations on the central section between the hours of 20 and 6 from 1st August 1924 ?

(*b*) If so, will they please state if the statements made therein are correct ?

(*c*) If correct, do they propose to recommend to the authorities to see that the inconvenience of the public as complained of, are removed ?

Mr. A. A. L. Parsons : (*a*) Government have seen the letter referred to.

(*b*) and (*c*). Government understand that orders have already been issued for No. 101 Up train to serve Birati and Hridaipur stations as before, but that owing to the necessity for curtailing expenditure, the stoppage of Nos. 9 Up, 10 Down and 32 Down, at the three stations mentioned cannot be arranged.

GRIEVANCES OF PASSENGERS TRAVELLING BY THE BANDEL KATWA LINE OF THE EAST INDIAN RAILWAY.

1812. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Has the attention of Government been drawn to the letter published in the issue of the "Forward" of the 29th July 1924, page 9, under the heading "Grievances of Bandel Katwa Line Passengers" ?

(*b*) If so, will they please state if the statements made therein are correct ?

(*c*) If correct, do they propose to issue instructions to the railway authorities concerned to see that the inconvenience of the passengers be removed and the grievances referred to redressed ?

Mr. A. A. L. Parsons : The Honourable Member is referred to the answer just given to his question regarding inconveniences of Bandel-Barharwa Loop section passengers.

As regards the timing of No. 20 L. Down train Government understand that it would be impracticable to make the alteration suggested.

CASE OF ARJAN SINGH, CLERK, RAWALPINDI POST OFFICE.

1813. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to the reply, stating "The Government of India are not aware of the facts of this case, but are causing inquiries to be made" to starred

question No. 1554 asked in the last Simla session of the Assembly, will the Government be pleased to state if the inquiries have been completed ?

(*b*) If completed, will they please communicate the result to the House ?

The Honourable Mr. A. C. Chatterjee : (*a*) Yes.

(*b*) The orders passed by the Director-General, Posts and Telegraphs, have been revised by Government, who have decided that Arjan Singh should receive the full pay for which he would have been entitled during the period of his suspension and that his increments should not be stopped.

Lala Duni Chand : Has the Government earnestly tried to satisfy Khan Bahadur Sarfaraz Hussain Khan and through him the public even with regard to a single matter, while he has been putting so many questions on so many matters of public importance ?

DIFFERENTIAL TREATMENT OF THE STAFF OF THE ARMY REMOUNT DEPARTMENT AND THE CIVIL VETERINARY DEPARTMENT.

1814. ***Mr. Abdul Haye :** (1) Will the Government please state if it is a fact that the Veterinary Assistants in the Army Remount Department get Rs. 30—50—70 as their graded pay while in the Civil Veterinary Department their compeers who possess exactly the same qualifications, get Rs. 60—75—90 ?

(2) Similarly will the Government please state if it is a fact that the Veterinary Inspectors in the Army Remount Department get Rs. 75—125 while in the Civil Veterinary Department they get Rs. 120—170 ?

(3) Is it also a fact that the graded pay of the Veterinary Deputy Superintendents in the Army Remount Veterinary Department and the Civil Veterinary Department is

200—400 and

250—750, respectively ?

(4) Is it also true that in the matter of travelling and daily allowances also the members of the Veterinary Branch of the Army Remount Department are worse off than their compeers in the Civil Veterinary Department ? Will the Government please lay on the table a statement showing the rates at which such allowances are allowed to the various officials in the two Departments ?

(5) If the answer to questions (1) to (4) be in the affirmative will the Government please state the reasons that have led to this disparity of conditions between the two cognate services ?

Mr. E. Burdon : (1), (2) and (3). The Government of India are not in possession of the details of the conditions of service in the subordinate grades of the Civil Veterinary Department. These vary in the different provinces. The rates of pay obtaining in the Army Remount Department have been correctly stated in parts 1, 2 and 3 of the question.

(4) For the reason which has been given, the Government are not in a position to make the comparison here suggested. Deputy Superintendents, Veterinary Inspectors and District Veterinary Assistants of the Army Remount Department draw the following fixed monthly allowances

which are intended to cover actual expenses connected with their movements within the limits of their charges :

	Per mensem. Rs.
Deputy Superintendents	60
Veterinary Inspectors	45
District Veterinary Assistant	22-8-0

(5) As I have explained, Government are not in a position to verify the disparity which the Honourable Member alleges. In reply to a subsequent question I will explain what the present position is as regards the pay of the Veterinary Staff employed in the Army Remount Department.

Mr. Abdul Haye : Is it a fact that there are seven circles in the Army Remount Department out of which six are located in the Punjab ?

Mr. E. Burdon : I am afraid I cannot answer a question of that kind offhand. If the Honourable Member will give me notice I shall be very glad to answer.

STATUS OF DEPUTY SUPERINTENDENTS IN THE CIVIL VETERINARY DEPARTMENT AND THE ARMY REMOUNT DEPARTMENT.

1815. ***Mr. Abdul Haye :** Is it a fact that the post of Deputy Superintendent in the Civil Veterinary Department is gazetted while that in the Army Remount Department is not ?

Mr. E. Burdon : Yes.

LIABILITY TO ACTIVE SERVICE OF MEMBERS OF THE VETERINARY BRANCH OF THE ARMY REMOUNT DEPARTMENT.

1816. ***Mr. Abdul Haye :** Will the Government please state if it is a fact that the members of the Veterinary Branch of the Army Remount Department at the time of entering service are required to execute an agreement whereby they render themselves liable to enlist for war on the same pay, while no such agreement is demanded from the members of the Civil Veterinary Department ?

Mr. E. Burdon : Members of the Veterinary Branch of the Army Remount Department are not now required to execute such an agreement and all those subordinates who were enrolled and attested at the time they joined the Department have been released from such enrolment and attestation.

MEMORIAL FROM MEMBERS OF THE VETERINARY BRANCH OF THE ARMY DEPARTMENT REGARDING THEIR PAY AND ALLOWANCES.

1817. ***Mr. Abdul Haye :** (*a*) Is it a fact that in the year 1921 the members of the Veterinary Branch of the Army Remount Department submitted memorials to the Government pointing out the disparity of conditions between the two services and praying for an increase in their pay and allowances, etc. ?

(*b*) If the answer to part (*a*) be in the affirmative, what action did the Government take in the matter ? If no action was taken during the last three years, will the Government please state the reasons for the same ?

Mr. E. Burdon : (*a*) Yes.

(*b*) The consideration of the question of revising the pay of Veterinary Assistants in the Army Remount Department has been delayed owing to the imperative necessity of first giving effect to the various measures of retrenchment recommended by the Indian Retrenchment Committee in respect of the Remount Department. It is hoped that a final decision in regard to these retrenchment measures will very soon be reached ; the question of revising the pay of these Veterinary Assistants will then be proceeded with.

PURCHASE AND BREEDING OF HORSES FOR THE INDIAN ARMY.

1818. ***Mr. Abdul Haye :** (*a*) Will the Government please state what arrangements there existed before 1903, (when the Army Remount Department was first established) for the purchase and breeding of horses for the Indian Army ?

(*b*) What was the total expenditure per year incurred by the Government for purchasing and breeding horses before 1903 ?

(*c*) What yearly expenditure is incurred by the Government at present for the above purpose ?

(*d*) Whether the demand for horses for the Army has increased since 1903 ? If so, by how much ?

(*e*) Will the Government please state what was the total number of British Officers employed for this purpose before 1903 and what was their aggregate salary ?

Mr. E. Burdon : The production of horses for the Army is inseparable from the operations for the provision of mules and the reply to the Honourable Member's question which has, for the reason stated, been treated as applying to both horses and mules, is as follows :

(*a*) The answer to this question is necessarily very long and with your permission, Sir, I will furnish the Honourable Member separately with a statement which contains the information he requires.

(*b*) The total aggregate annual cost prior to 1903 of the Remount Department and of the Civil Veterinary Department which, at that time, controlled operations for breeding horses and mules for military purposes, amounted approximately to Rs. 50,13,450.

(*c*) The expenditure during 1924-25 is estimated at Rs. 79,40,760.

(*d*) Two statements giving the normal requirements of horses and mules for the years 1903 and 1924 are laid on the table.

(*e*) Twenty-one, drawing a monthly aggregate salary of Rs. 20,305.

Statements showing the normal requirements of horses, etc., for 1903 and 1924.

(I)—1903.

Horses—	
Artillery, British cavalry, Madras cavalry	2405
Silladar cavalry regiments	2697
Ponies	169
Mules	1895
Young stock horses	400
Total ..	7816

(II)—1924.

Horses	3153
Ponies	134
Mules—	
Equipment	607
Army Transport	1549
Pack Artillery	414
Young stock horses	1000
Young stock mules	984
Testing ponies	7
Donkey colts	10
Brood mares	10
Total ..	7868

N.B.—Though the demands of silladar cavalry are included in the requirements of 1903, the State incurred no expenditure on their purchase, the horse being supplied by the soldier through regimental arrangements.

INDIANISATION OF THE ARMY REMOUNT DEPARTMENT.

1819. ***Mr. Abdul Haye**: (*a*) Will the Government please state the total number of British officers now employed in the Army Remount Department and what is their aggregate salary ?

(*b*) How many out of the British officers employed in the Army Remount Department are merely attached officers and not on the permanent list and what is their aggregate pay ?

(*c*) Is it a fact that there is not a single Indian employed as an officer from the District Remount Officers up to the Director in the Administration Branch of the Army Remount Department ?

(*d*) Has the Government considered the desirability of Indianising this Department ? If not are the Government now prepared to consider this question at an early date ?

Mr. E. Burdon: (*a*) There are altogether 44 officers employed in the Remount service, including those officers who are employed in the Remount Directorate at Army Headquarters, and their aggregate salary amounts to Rs. 53,000 per mensem. Of this amount, however, Rs. 12,000 represents the army rank pay of rank and the regimental staff pay of 15 unseconded officers of the Indian cavalry who are attached to the Remount Department for duty.

(*b*) As already stated in reply to part (*a*) of this question, there are 15 British officers who are attached to the Remount Department for duty. Their aggregate monthly pay is Rs. 13,500, of which Rs. 12,000 is included

in the cost of the units to which these officers belong as they are unseconded and therefore not replaced in their units.

(*c*) Although no Indian officers with the King's Commission are at present employed in the Army Remount Department, such officers, like all other officers of Indian cavalry units, are eligible for such employment provided they satisfy the conditions required, namely, that they must enter the army as combatant officers in the first instance and then have some years' experience of regimental life. The Indian officers holding the King's Commission at present in the Indian Army are young and have not yet obtained sufficient experience of regimental service.

There are 10 Indian officers with the Viceroy's Commission holding junior appointments in the Remount service.

(*d*) From the answer which I have just given to part (*c*) of the Honourable Member's question he will observe that Indian officers with the King's Commission are eligible for appointment to the Army Remount Department. No special measures for the Indianisation of this Department are contemplated.

REFUSAL OF A LICENSE TO MR. S. D. NADKARNI OF KARWAR TO POSSESS A SET OF WIRELESS TELEGRAPH APPARATUS.

1820. ***Mr. D. V. Belvi :** (*a*) Has the attention of Government been drawn to the editorials and letters published under the heading " Science and politics " in the *Indian Social Reformer* of Bombay in the issues of the 13th and 27th January 1923, 17th February 1923 and 7th and 21st July 1923 ?

(*b*) Will Government be pleased to state whether Mr. S. D. Nadkarni of Karwar had applied on 19th March 1923 to the Director of Wireless, Simla, through the Government of Bombay, for the grant of a license to possess one set of wireless telegraph apparatus of the minimum available range and power for amateur purposes ?

(*c*) Are the Government of India aware that his application for license was rejected by the Director of Wireless without any reasons being assigned for so doing ?

(*d*) Are the Government aware that the Director failed to give the reason or reasons for his refusal, though Mr. S. D. Nadkarni requested him to do so in his letter, dated 26th June 1923 ?

(*e*) Will the Government of India be pleased to state whether the Director of Wireless refused to grant the license on his own initiative or under instructions from the Government of Bombay ?

(*f*) If the license was refused under instructions from the Government of Bombay, will Government be pleased to give the reason or reasons for not recommending the application for a grant of a license ?

(*g*) Will Government be pleased to state whether the withholding of the sanction was not due to the fact that the applicant was a Congressman and that he wore a Khadi-cap ?

The Honourable Mr. A. C. Chatterjee : (*a*), (*b*), (*c*) and (*d*). Yes.

(*e*) Licenses are issued only after receipt of the concurrence of the Local Government of the province in which the apparatus is to be installed. As the Local Government did not recommend the issue of a

license in this case the Director of Wireless informed Mr. Nadkarni that it was regretted that his request for a license could not be complied with.

(*f*) The Local Government did not recommend the issue of a license, and stated that, the applicant did not possess the qualifications necessary for the grant of a license.

(*g*) No.

Sardar V. N. Mutalik : May I know what is the policy of Government with regard to education in wireless ?

The Honourable Mr. A. C. Chatterjee : That is a question which it would be very difficult to answer as an answer to a supplementary question just now.

Mr. M. A. Jinaah : Will the Honourable Member kindly say what are the qualifications necessary for the grant of a license ?

The Honourable Mr. A. C. Chatterjee : They are published, and I shall communicate them to the Honourable Member.

Dr. K. G. Lohokare : Is there any license given in the Bombay Presidency for educational purposes in wireless ?

The Honourable Mr. A. C. Chatterjee : That will appear from the answer to a question which my Honourable friend Mr. Belvi is going to ask me just now.

CONFISCATION OF SET OF WIRELESS TELEGRAPH APPARATUS BELONGING TO MR. KHANDUBHAI, A GRADUATE OF THE BOMBAY UNIVERSITY.

1821. ***Mr. D. V. Belvi :** Will Government be pleased to state whether a set of wireless telegraph belonging to Mr. Khandubhai, a graduate of the Bombay University and son of the Honourable Mr. Lallubhai Samaldas, C.I.E., was confiscated by them ? If so, had the apparatus come in his possession before the wireless license rules were framed or after ? If it was after, were the rules made retrospective ?

The Honourable Mr. A. C. Chatterjee : Government have no information regarding the alleged confiscation of the Wireless Set in question. If the Honourable Member will supply definite details the matter will be further investigated.

APPLICATIONS FROM COLLEGES TO POSSESS WIRELESS TELEGRAPH APPARATUS.

1822. ***Mr. D. V. Belvi :** (*a*) Will Government be pleased to state whether any applications were made by any colleges affiliated to any Indian University for the issue of licenses to possess a wireless telegraph, since the framing of the wireless license rules, for teaching and experimental purposes ? If so, how many applications were made and by what colleges ?

(*b*) Will Government be pleased to state whether all the applications were granted ? If not, how many were granted and why were the rest refused ?

The Honourable Mr. A. C. Chatterjee : (*a*) Applications have been received on behalf of Colleges, or from Professors of Colleges, for instructional and experimental purposes and licenses have been issued to :

The Indian Institute of Science, Bangalore.

St. Joseph's College, Darjeeling.

Lucknow University.
Forman Christian College, Lahore.
Royal Institute of Science, Bombay.
Presidency College, Calcutta.
Aligarh Muslim University, Aligarh.
Dacca University, Dacca.
St. Xavier's College, Calcutta.
University College, Lahore.
Presidency College, Madras.

(*b*) All applications have been granted.

REFUSAL OF A LICENSE TO THE CALCUTTA UNIVERSITY COLLEGE OF SCIENCE TO INSTAL A WIRELESS TELEGRAPH APPARATUS.

1823. ***Mr. D. V. Belvi**: Is it a fact that the Calcutta University College of Science applied for a license to instal a wireless telegraph apparatus for *bona fide* teaching and experimental purposes but the application was refused ?

The Honourable Mr. A. C. Chatterjee: I am informed that no application has been received from the Calcutta University.

Dr. S. K. Datta: May I ask whether the circular issued by the Government of India, Department of Education, in the year 1913 or 1914 to the Universities instructing them that in the curriculum for Physics wireless telegraphy and wireless demonstrations should be omitted and instructing the University Boards to ensure that questions on wireless were not asked in the University question papers is still in force or not ?

The Honourable Mr. A. C. Chatterjee: I really could not say. The Honourable Member has referred to a circular which was issued I may say in pre-historic days.

Dr. S. K. Datta: Those were not pre-historic days. I was a member of an Educational body that received that circular.

The Honourable Mr. A. C. Chatterjee: As I have stated, a large number of applications from various educational institutions have already been granted.

Dr. S. K. Datta: I am glad to see that a new spirit has come over the Government of India.

Dr. K. G. Lohokare: Are Government prepared to withdraw that circular now ?

The Honourable Mr. A. C. Chatterjee: I am not aware that any such circular is in existence or is extant at the present time.

Mr. T. C. Goswami: Will you make the necessary research ?

The Honourable Mr. A. C. Chatterjee: That question should be addressed to my Honourable Colleague.

RESTRICTIONS IMPOSED ON A MUHAMMADAN GENTLEMAN IN HIS EFFORTS TO INVENT AN INSTRUMENT FOR THE TRANSMISSION OF WIRELESS MESSAGES THROUGH WATER.

1824. ***Mr. D. V. Belvi**: (*a*) Has the attention of Government been drawn to the comments in the issue of the "Amrita Bazar Patrika," dated

18th January 1923, (Bi-weekly edition) regarding the restrictions imposed upon an Indian Muhammadan gentleman of the United Provinces of Agra and Oudh employed in the Government Telegraph Department in his efforts at the invention of an instrument for the transmission of wireless messages through water ?

(*b*) If so, are the allegations made in the said newspaper true ?

(*c*) If not, what are the facts according to the information of Government ?

The Honourable Mr. A. C. Chatterjee : (*a*) Yes.

(*b*) No.

(*c*) I have nothing to add to the answers given to question No. 456 on the 5th March 1923 by Colonel Sir Sydney Crookshank in this House and to the answers given to question No. 191 on 21st March 1923 by the Honourable Sir Narasimha Sarma in another place.

WIRELESS LICENSES GRANTED TO INDIANS.

1825. ***Mr. D. V. Belvi :** Will the Government of India be pleased to state how many Indians, other than Anglo-Indians, are to-day in possession of wireless licenses in this country ?

The Honourable Mr. A. C. Chatterjee : Eighty-two.

RESTRICTIONS IMPOSED ON ENGLISH SUBJECTS WITH REGARD TO THE POSSESSION OF WIRELESS TELEGRAPH SETS.

1826. ***Mr. D. V. Belvi :** Will the Government of India be pleased to state whether there are any restrictions imposed either by law or rules prohibiting the subjects in England from possessing a wireless telegraph set for amateur purposes or otherwise ?

The Honourable Mr. A. C. Chatterjee : The maintenance and working of wireless telegraphs in England is governed by the Wireless Telegraph Act, 1904, and rules made by the P. M. G., under which no person may establish, install or work any wireless telegraph set whether for amateur purposes or otherwise except under license from the Postmaster-General.

JUDGMENT OF MR. JUSTICE MCCARDIE IN THE NAIR-O'DWYER CASE.

1827. ***Haji S. A. K. Jeelani :** (*a*) Will the Government be pleased to state whether their opinion has been invited by the Secretary of State for India on the judgment of Mr. Justice McCardie in the Nair *versus* O'Dwyer case ?

(*b*) If the answer is in the affirmative will the Government be pleased to lay on the table a statement of the views submitted to the Secretary of State ? If the answer is in the negative do the Government propose to repudiate Mr. Justice McCardie's judgment by reaffirming their views expressed on the Hunter Committee's Report ?

The Honourable Mr. Alexander Muddiman : The Honourable Member is referred to the reply I gave to Mr. C. S. Ranga Iyer's question No. 1682.

HINDU-MUSLIM RIOTS.

1828. *Haji S. A. K. Jeelani : Will the Government be pleased to lay on the table a statement showing (*a*) the number of Hindu-Muslim riots that have taken place from January last in those Provinces which are directly under the control of the Government of India, (*b*) the places where they have occurred, (*c*) their originating causes, (*d*) the steps taken by the Government to quell them, and (*e*) the number of deaths reported and registered in each riot including those caused by the shooting of the police ?

The Honourable Sir Alexander Muddiman : The information is being obtained and will be laid on the table in due course.

APPOINTMENTS MADE IN THE VARIOUS DEPARTMENTS OF THE GOVERNMENT OF INDIA SINCE JANUARY 1924.

1829. *Haji S. A. K. Jeelani : Will the Government be pleased to state the number of applications received from qualified men for posts from January last and the number of appointments made in the various departments of the Government of India ?

The Honourable Sir Alexander Muddiman : I assume that the question refers to application for employment in the clerical establishment of the Government of India Secretariat. 41 such applications have been received since January last from educationally qualified candidates who had not passed the Staff Selection Board's examination. 31 appointments have been made during the same period from the Board's reserve of passed candidates. The majority of these were temporary appointments.

ADDITIONAL DUTY ON BOUNTY-FED ARTICLES.

1830. *Mr. C. Duraiswami Aiyangar : (*a*) Will the Government be pleased to state in how many cases from 1st April 1920 to 31st March 1924, His Excellency, the Governor-General in Council exercised his powers of levying additional import duty on bounty-fed articles under section 8-A of the Indian Tariff Act VIII of 1894 with details as to (*i*) the articles imported, (*ii*) the amount of additional duty, (*iii*) the names of countries from which the articles were imported or wherein they were manufactured ?

(*b*) Will the Government be pleased to give similar information regarding the levy of special import duty on sugar under section 8-B of the Indian Tariff Act, 1894 ?

The Honourable Sir Basil Blackett : In no cases.

ACCESS TO HOWRAH RAILWAY STATION.

1831. *Mr. T. C. Goswami : (*a*) Are Government aware of the serious inconvenience to passengers at the Howrah railway station caused by the railway employees in charge of the gates keeping the entrance to the platforms as narrow as possible, thereby making crowding and jostling inevitable for all classes of passengers, and that these railway employees justify this by saying that they are under orders to do so ?

(*b*) Who has issued the order, what exactly is the order, and are Government prepared to see that this order is immediately revoked ?

(*c*) Are Government aware that sometimes *bona fide* passengers are not admitted into the platform a quarter of an hour before a train is timed to start, at Howrah ?

Mr. A. A. L. Parsons : (*a*), (*b*) and (*c*). The Honourable Member is referred to the reply given in this Assembly on 23rd January, 1923, to (*i*) and (*ii*) of question No. 212.

MEMORIAL OF GAZETTED POSTMASTERS FOR IMPROVED PAY.

1832. ***Mr. A. Rangaswami Iyengar :** (*a*) Is it a fact that gazetted postmasters in India and Burma submitted a memorial to the Government of India in August 1920 and again in September of the same year regarding the improvement of their pay as a result of the adverse economic conditions caused by the Great War ?

(*b*) If so, will the Government be pleased to state what action was taken by them on these memorials ?

The Honourable Mr. A. C. Chatterjee : (*a*) Yes.

(*b*) The prayers of the gazetted postmasters for a revision of their pay were carefully considered by Government and the decision arrived at was that while there was no justification for revising the pay of the Presidency Postmasters at Calcutta, Bombay and Madras and of the Postmaster, Rangoon, the pay of the remaining gazetted postmasters should be revised. This was accordingly done, and instead of the rates of pay being of local application as heretofore, all gazetted postmasters, except those at Calcutta, Bombay, Madras, Rangoon and Lahore were placed on personal pay. This revised system with the revised rates of pay was brought into effect from the 28th October 1921, the date of the issue of orders by Government.

GRANT TO GAZETTED POSTMASTERS OF THE CONCESSION OF COUNTING OFFICIATING SERVICE FOR INCREMENTS.

1833. ***Mr. A. Rangaswami Iyengar :** (*a*) Is it a fact that the pay of the postmen, the clerical staff and the Superintendents, was improved retrospectively with effect from 1st December 1919, and that they were allowed to count officiating service for increments in the time-scale, while gazetted postmasters were not brought on a time scale until eleven months later, namely, until the 28th October 1921 and that they were denied the concession of counting officiating service for increments ?

(*b*) If the answer is in the affirmative will the Government be pleased to state why gazetted postmasters were not given any relief such as was granted to all other officers of the Department from 1st December 1919 and also denied the concession of counting officiating service ?

The Honourable Mr. A. C. Chatterjee : (*a*) Yes. The pay of the subordinate Postal staff was revised by Government with effect from the 1st December, 1919, on the recommendation of the Postal Committee of 1920. A time-scale of Rs. 250—25—300—20—700 was introduced from the same date for Superintendents of Post Offices as a result of the recommendations of the Public Services Commission, 1912-1913, but the concession of counting officiating service for increments was allowed only from the 28th November, 1921, the date of the issue of orders.

The pay of the three grades of Gazetted Postmasters was revised by order of 28th October, 1921. The time-scale 350—650 was not sanctioned till 1st July, 1923.

(*b*) As already stated, the revision of the pay of Postal Superintendents, which was given effect to from 1st December, 1919, was the result of the recommendations of the Islington Commission. No similar recommendations were made by the Commission in the case of gazetted postmasters, the revision of whose pay was however considered on the receipt of petitions from them in August and September, 1920, and was sanctioned with effect from the 28th October, 1921, the date of the issue of the orders.

The pay of each officer in the revised scale was regulated under the ordinary rules of the Civil Service Regulations which, under the circumstance of this case, did not permit of the concession of counting officiating service.

TIME-SCALE FOR GAZETTED POSTMASTERS.

1834. ***Mr. A. Rangaswami Iyengar :** (*a*) Is it a fact that the time-scale introduced for gazetted postmasters was felt by all postmasters as a retrograde step benefiting none, but adversely affecting many and that they memorialised the Government of India on the subject in December 1921 ?

(*b*) If so, will the Government be pleased to state what action was taken by them on the memorials ?

The Honourable Mr. A. C. Chatterjee : (*a*) The memorial of December, 1921, referred to by the Honourable Member did not refer to the time-scale, which was introduced for gazetted postmasters, except those at Calcutta, Bombay, Madras, Rangoon and Lahore, only with effect from the 1st July, 1923.

(*b*) Does not arise.

REVISION OF THE PAY OF PRESIDENCY POSTMASTERS AND THE POSTMASTER, RANGOON.

1835. ***Mr. A. Rangaswami Iyengar :** (*a*) Is it a fact :

(*i*) that the pay of the three Presidency Postmasters and the Postmaster, Rangoon, was not revised as it was then advanced that the pay of corresponding officers of the Department, namely, Deputy Postmasters-General and Assistant Directors General was not going to be revised, and

(*ii*) that the pay of the latter was improved subsequently while nothing has been done for the former ?

(*b*) If the reply is in the affirmative will the Government be pleased to state the reason for not improving the pay of the three Presidency Postmasters and the Postmaster, Rangoon, and do Government propose to consider the desirability of revising the pay of these officers similarly with retrospective effect ?

The Honourable Mr. A. C. Chatterjee : (*a*) (*i*) Yes.

(*a*) (*ii*) No. The pay of Deputy Postmasters-General and Assistant Directors-General was not improved. It was merely converted from a

graded scale to an equivalent time-scale in order to admit the Postal service to the benefits of the revised rules regarding officiating pay.

(*b*) Does not arise.

CLASSIFICATION OF POST OFFICES.

1836. ***Mr. A. Rangaswami Iyengar** : Will the Government be pleased to state the principles followed by them in classifying post offices as first and second class offices ?

Mr. H. A. Sams : A first class head office is one which is sufficiently important to justify being in charge of a gazetted postmaster on the scale of pay Rs. 350—650. The other head offices are called ' second class '.

GRANT OF GAZETTED RANK TO POSTMASTERS ON RS. 250.

1837. ***Mr. A. Rangaswami Iyengar** : Is it a fact that postmasters in India and Burma submitted a representation to the Government of India in December 1921, urging among other things that the gazetted rank in the Postmasters' cadre should commence from Rs. 250 as in the case of the Superintendents' cadre, and if so, will the Government be pleased to state what action was taken by them thereon ?

The Honourable Mr. A. C. Chatterjee : Yes. The selection grade of Rs. 250—20—350 introduced by Government on the recommendation of the Postal Committee, 1920, for the subordinate Postal staff includes not only Postmasters but also officials of the clerical class, and Government did not consider that either clerks or Postmasters in this grade should be granted gazetted status.

CLASSIFICATION OF THE OOTACAMUND AND TRICHINOPOLY POST OFFICES AS SECOND CLASS OFFICES.

1838. ***Mr. A. Rangaswami Iyengar** : (*a*) Is it a fact that post offices like Ootacamund and Trichinopoly which were treated as first class offices when the pay of the postmaster was only Rs. 150—200 are now treated as second class offices though the pay of the appointments has been raised to Rs. 250—350.

(*b*) If so, will the Government be pleased to state the reasons for this step ?

(*c*) Are the Government prepared to consider the desirability of placing all postmasters on Rs. 250 and above in the first class ?

Mr. H. A. Sams : (*a*) and (*b*). A few head post offices were specially treated as first class although the pay of the postmasters was Rs. 150—200. In accordance, however, with the departmental rule adopted in 1907, head postmasters in or below the grade of Rs. 200—300, corresponding to the present grade of Rs. 250—350, are ranked second class.

(*c*) In the interests of economy and efficient administration it is necessary that the number of first class head offices, which are independent of the control of the Divisional Superintendent of post offices, should be strictly limited. It makes no difference whatever to the convenience of the public whether a head post office is first or second class. The Government of India, therefore, do not consider the arrangement suggested by the Honourable Member to be desirable.

PROMOTION OF GAZETTED POSTMASTERS TO SUPERIOR APPOINTMENTS.

1839. *Mr. A. Rangaswami Iyengar: (*a*) Will the Government be pleased to state whether there is any order expressed or implied precluding the appointment of competent gazetted postmasters as Personal Assistants in the Circle Offices and also as Deputy Postmasters-General and Assistant Directors-General, who are at present recruited exclusively from the officials in the Superintendents' cadre ?

(*b*) If there is no such order, will the Government say how many of these appointments are at present held by officials from the postmasters' cadre.

(*c*) If there are none, will the Government give an assurance that they would examine the question and remedy the defect ?

The Honouroble Mr. A. C. Chatterjee : (*a*) There is no order express or implied precluding the appointment of gazetted postmasters as Assistant Directors-General. The appointments of Deputy Postmasters-General are reserved for Superintendents of Post Offices in the same way as Presidency Postmasterships, and the Postmastership of Rangoon, are reserved for gazetted Postmasters. The appointments of Personal Assistants are included in the cadre of Superintendents.

(*b*) None, but there have been recent cases of men who had risen from Postmasters holding the position of Deputy Director General.

(*c*) This question was very carefully examined by me on a recent occasion. I found that fifty per cent. of Superintendents were selected from the subordinate staff many of whom were or would in time be postmasters. Men entering these grades have therefore a clear avenue to rise either to the posts of Deputy Postmasters-General through the posts of Superintendent or to the posts of Presidency Postmasters through the higher grades of Postmasters. Any other arrangement will lead to serious complications. It was therefore decided not to interfere with the present arrangements.

GRANT OF RENT-FREE QUARTERS TO POSTMASTER.

1840. *Mr. A. Rangaswami Iyengar : Will the Government be pleased 12 NOON. to state :

(1) The principles on which postmasters were granted rent and tax free quarters,

(2) Whether in fixing their pay, the fact that they have been granted free quarters was taken into account or in other words, would not a higher scale of pay have been fixed for them but for this concession ?

(3) Whether there is any intention on the part of the Government now to deviate from the accepted principles and make them pay rent or taxes, and

(4) If so, whether Government propose to consider the question of revising their pay to compensate their loss ?

The Honourable Mr. A. C. Chatterjee : (1) A Postmaster who is provided with rent-free quarters on the post office premises is granted the concession in consideration of the fact that it is necessary for the proper discharge of his duties that he should reside on the premises. Such an official was exempted from payment of taxes in respect of his quarters so long as officials of other Government Departments in occupation of rent-free quarters were so exempted.

(2) No.

(3) Postmasters who are provided with quarters on the post office premises are already required to pay taxes at the rate of ½ per cent. of their pay subject to a maximum of Rs. 5 a month, but the question of calling upon them to pay rent has not been raised.

(4) Does not arise.

DISCONTENT AMONG OFFICERS IN THE POSTMASTERS' CADRE.

1841. *Mr. A. Rangaswami Iyengar : (*a*) Are the Government aware that there is general discontent among officers in the postmasters' cadre on Rs. 250 and above running down to the rank and file of the clerical staff regarding pay, prospects and conditions of service of the officers in the cadre of postmasters on Rs. 250 and above ?

(*b*) If so, what steps do they propose to take to improve the pay, prospects and conditions of service of these officers ?

The Honourable Mr. A. C. Chatterjee : (*a*) From the fact that towards the close of 1923 a memorial was submitted to His Majesty's Secretary of State for India by the All-India and Burma Postmasters' Association praying for the improvement of the pay and prospects of Postmasters in the grade of Rs. 250—350 and higher grades, Government have reason to believe that these officers are not satisfied with the existing rates of pay. No representations have, however, been received from them recently with regard to the conditions of their service.

(*b*) The memorial to the Secretary of State has been rejected by him. In the circumstances the Government of India do not propose to take further action.

RAILWAY DISASTER AT HARAPPA ON THE NORTH-WESTERN RAILWAY.

Mr. A. A. L. Parsons : Sir, with your permission I should like to communicate to the House some further details which I have just received of the unfortunate accident at Harappa. I have just heard from the Agent of the North-Western Railway that owing to further deaths in hospital the total death from the accident are 105. The total casualties remain as before 202. I thought I had better place this information at the disposal of the House immediately.

REVISION OF RAILWAY COAL CONTRACTS MADE IN 1921.

Sir Purshotamdas Thakurdas : Sir, I beg to put, with the consent of the Commerce Department, the following question :

(*a*) Will Government be pleased to state if any changes have been made either regarding quantities or rates in the contracts for coal made in 1921 by the then Mining Engineer to the Railway Board ?

(*b*) If the reply to the above be in the affirmative, will Government be pleased to state the total direct saving to Government by such change ?

Mr. A. A. L. Parsons : I should like, if the House will permit me, to go rather beyond the limits of my Honourable friend's question in order to make the position clear.

At the beginning of the current year deliveries under the contracts for rail-borne coal made in 1921, by the advice of the then Mining Engineer to the Railway Board, were in arrears to the extent of rather over 2¼ million tons. Railways were well stocked with coal; they were liable under the contracts to take over four million tons this year at the rates fixed for this year in the contracts; they did not require any of the arrears; and the Railway Board were advised that under the terms of the contracts they were not obliged to take them. They, therefore, instructed the Chief Mining Engineer to cancel the arrears.

Representations were immediately received from the coal trade protesting against this action, and in consequence two Members of the Railway Board proceeded at once to Calcutta with the object of coming to an amicable solution. They and the present Chief Mining Engineer met the officials of the Indian Mining Association and Federation in conference at the beginning of July and arrival at the following arrangement:

(*i*) The cancellation of past arrears amounting, as I have said, to over 2¼ million tons of coal to stand;

(*ii*) Coal supplied under the contracts this year to be paid for at prices Rs. 2 less per ton than the contractual rates for Deshurgarh and Re. 1-4-0 less per ton than the contractual rates for coals of other descriptions.

(*iii*) Contractors accepting this arrangement to be given contracts for the requirements of railways in 1925-26 at rates four annas per ton less than the revised rates fixed for this year, and for quantities based on the quantities provided for in this year's contracts and determined in the following manner. Where a contractor was in no way in default, that is to say, where responsibility for the arrears of previous years could in no way be attributed to him his contract for 1925-26 is for the full contractual quantity for the current year; in other cases the contract for 1925-26 is for 75 per cent., 50 per cent., 25 per cent., or exceptionally *nil*, according to the measure of the contractor's responsibility for the default which has produced the arrears. The effect of this part of the arrangement is that we have contracted for rather over 3 million tons next year or about a million tons less than the contractual quantity for this year.

(*iv*) The contractual quantities for this and next year to be taken at the revised prices without cancellation of any arrears remaining to be delivered after the termination of each year.

The estimated direct saving to our revenues in the current year from this revision of the contracts by mutual arrangement is 65 lakhs.

All I have so far said applies only to the rail-borne contracts for coal made in 1921. At the instance of the Railway Board acting under the authority of the Government of India the contracts for sea-borne coal made in 1921 by Indian railways have been repudiated by the railways concerned, and as suits have been lodged against the repudiation and are still *sub judice*, I regret that I am unable to give the Honourable Member at present any further information with regard to the sea-borne contracts.

Mr. W. S. J. Willson : Have Government purchased any coal by private treaty since those negotiations referred to in July ?

Mr. A. A. L. Parsons : I think not, Sir, at any rate not for the railways who are concerned with the rail-borne contracts I have been mentioning. I understand that the Bengal-Nagpur Railway has lately called for tenders ; but it was not concerned with the contracts with which I have now been dealing.

Sir Purshotamdas Thakurdas : Can the Honourable Member give a rough idea of the amount involved in the suits which are pending in Courts ?

Mr. A. A. L. Parsons : I should prefer not to, Sir.

UNREST AMONG WORKERS ON THE ASSAM TEA GARDENS.

Mr. N. M. Joshi : Sir, I propose to ask a question of which I have given private notice.

(*a*) Will Government be pleased to state whether their attention has been drawn to the statements that have appeared in the press regarding the unrest amongst some workers on the tea gardens in Assam ?

(*b*) Will they also be pleased to state whether it is a fact

(*i*) that about 900 garden labourers in Assam are anxious for repatriation and that the Deputy Commissioner of the district affected has refused the application of some of these labourers to allow them to return home,

(*ii*) that a large number of labourers have already left their gardens and after eight days' march have now arrived at Jakhlabandha.

(*iii*) that six deaths have already taken place on account of starvation and disease amongst these labourers ?

(*c*) Will Government be pleased to take immediate steps to arrange at Government expense to repatriate these labourers ?

(*d*) Will they also be pleased immediately to make an inquiry into the causes of the discontent and take steps to remove it ?

The Honourable Mr. A. C. Chatterjee : The answer to part (*a*) of the question is " Yes ".

(*b*), (*c*), and (*d*). Government have asked for a report from the Government of Assam and will await the receipt of their reply.

Mr. N. M. Joshi : May I ask whether the Government will inform the House what the facts are as soon as they receive the reply ?

The Honourable Mr. A. C. Chatterjee : Yes, Sir, I shall do so.

THE LAND CUSTOMS BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir Basil Blackett (Finance Member) : Sir, I present the Report of the Select Committee on the Bill to consolidate, amend and extend the law relating to the levy of duties of customs on articles imported or exported by land from or to territory outside British India, with the Bill as amended.

INTERIM REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.

The Honourable Sir Basil Blackett (Finance Member) : Sir I lay on the table the *interim* report of the Public Accounts Committee on the accounts of 1922-23.

INTERIM REPORT

OF

THE PUBLIC ACCOUNTS COMMITTEE ON THE ACCOUNTS

OF

1922-23.

I.—INTRODUCTORY.

1. In this report we deal with the accounts of the year 1922-23, the second year after the introduction of the Reforms and the second year for which the accounts of the voted expenditure of the Government of India have been brought to the scrutiny of a Committee of the Legislative Assembly.

2. The report of the last Committee brought to light certain defects and included various suggestions for improvement; but it could not have any effect on the accounts before us, as it was published in July 1923, three months after the close of the year under review at present. It is not surprising therefore that we have come across a number of the defects already pointed out, but except in those cases in which it was deemed clearly necessary to emphasize the remarks of the previous Committee, we have not referred specifically to them, as we trust that they will not recur in the future. Our report must, however, be considered as supplementary in many respects to last year's report.

3. In considering the Appropriation Reports this year, we had the benefit of the assistance of the Auditor-General and of the Accountants-General responsible for these reports, namely, the Accountants-General, Central Revenues, Railways and Posts and Telegraphs.

II.—EXCESS OVER VOTED GRANTS.

4. The total amount of grants voted by the Assembly for the expenditure (both capital and revenue) of the year 1922-23 stood originally at Rs. 144,41,32,000; the final grants as voted in March, amounted to Rs. 117,98,27,150; and the total expenditure for the year out of these grants was Rs. 113,27,48,503. The expenditure was thus over 31 crores less than the original grant and about 4¾ crores less than the final.*

5. We have examined carefully the causes of the large variation between the original grant and the actual expenditure, as we thought it desirable to pay particular attention to the possibility of over-budgeting under the present system, a point to which we shall revert later in our report. The variation, however, is easily explained. Almost exactly half is due to decisions taken in the course of the year which had the effect of transferring expenditure from voted to non-voted heads. The main cause was the transfer of the lump grant for 'Exchange' to the various heads of expenditure, with the result that the loss on exchange attributable to non-voted heads was treated as non-voted. This accounts for no less than 14¾ crores—the balance of ¾ crore is due to the fact that the expenditure on Bangalore, and the assignments to the Provincial Governments of Burma and Assam for the cost of Frontier Police, for which provision had originally been made by the Assembly, were treated as non-voted on account of their being political in nature. The rest is mainly accounted for by the savings in expenditure (both

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*These figures refer to voted grants only. The final figures of expenditure both voted and non-voted as compared with (*a*) Original (*b*) Revised Estimates are as follows :—

	Revenue. Rs.	*Capital.* Rs.
Original Estimate	220,57,90,000	33,47,69,000
Revised Estimate	220,42,35,900	24,20,39,000
Actual Expenditure	218,96,10,359	20,96,08,962

capital and revenue) in Railways and Posts and Telegraphs. There was an underspending of about 2 crores in the Railway grant, which corresponded to the fall in revenue, owing to trade depression; the saving in Posts and Telegraphs was about 68 lakhs and was mainly due to a policy deliberately pursued in view of the financial position of spending as little as possible, even though it meant in many cases merely postponing of inevitable expenditure. As regards capital expenditure, the position was the same. Railways were unable to spend the 30 crores provided for owing to a variety of causes which are now fairly familiar and expenditure fell short of original anticipations by about 11¼ crores. The underspending under Posts and Telegraphs was about 80 lakhs—due partly to the drastic curtailment of construction and partly to a large receipt from the sale of property which was taken in reduction of expenditure. It is clear that such underspending as was not due merely to a change in classification can be accounted for as either inevitable, as in the case of Railways, or as due to a deliberate resolve to restrict expenditure as in the case of Posts and Telegraphs. This curtailment of expenditure may perhaps be regarded as the result of the shadow cast by the Inchcape Committee which sat at the end of the year and is observable in other departments also, as may be seen from the large saving in actual expenditure even as compared with the Revised Estimates.

6. As compared with the final grants passed in March 1923, which were based on the Revised Estimates, and were 26½ crores less than the original grants, there was a total saving in expenditure of Rs. 4,70,78,647. This is mainly explained by the lapses under Railways (capital 273 lakhs; revenue 18 lakhs) and Posts and Telegraphs (capital 45 lakhs: revenue 30 lakhs). A sum of 50 lakhs which had been kept as a reserve provision under 'Exchange' also lapsed at the end of the year. The other variations are of comparatively minor importance.

7. There have been, however, excesses under 23 individual demands aggregating in all Rs. 19,09,207, for which an excess vote of the Assembly is required. We give below a table detailing the excesses:—

Expenditure charged to Revenue—	Rs.	*Remarks.*
5 Land Revenue ..	2,450	....
6 Stamps ..	10,73,110	Fewer recoveries from other Governments. No excess over gross grant.
15 Police ..	9,547	Partly due to transfer of expenditure from Provincial to Central.
17 Survey of India ..	3,07,853	Due to Revised Estimate being too low: no excess over original grant.
18 Meteorology ..	24,847	Ditto.
22 Archæology ..	24,005	Ditto.
23 Mines ..	4,667	....
24 Other Scientific Depts.	3,329	Mainly due to the distribution of the lump provision under 'Exchange' being slightly incorrect.
25 Education ..	7,497	Due to non-realization of certain anticipated recoveries.
26 Medical Services ..	23,870	Due to revised estimate being too low.
28 Agriculture ..	31,894	Due to Revised Estimate being too low: no excess over original grant.
31 Aviation ..	6,208	Ditto.
33 Census ..	37,241	....
34-B Emigration—External.	1,019	Revised Estimate too low.
35 Joint Stock Cos. ..	12,781	Mainly due to certain expenditure having to be classified as voted whereas provision was made under non-voted.
36 Mis. Departments ..	13,509	Revised Estimate too low.
43 Stationery and Printing.	41,382	No excess over original grant.

Expenditure charged to Revenue—contd.

	Rs.	*Remarks.*
45 Adjustments with Provincial Govts.	7,320	....
Refunds ..	89,377	These are inevitable payments and it is impossible to estimate them correctly.
48 Delhi ..	32,943	....
52 Rajputana ..	62,642	....
53 Central India ..	66,497	....
Total ..	18,83,988	
Expenditure charged to capital—		
59 Irrigation ..	25,219	Due to Revised Estimates being too low. No excess over original grant.
Disbursement of Loans and Advances—		
62 Interest free advances	74,49,592	

8. The explanation of most of the excesses is, as will be seen from the above, the practice that obtained in the year under review of basing the final grants for the year on the revised estimates of expenditure prepared by the Finance Department in order to arrive at an approximate idea of the total results of the year's working over all the heads of expenditure. As a whole, the revised estimates proved indeed to have over-estimated the expenditure during the year by over 4 crores; but in their distribution over different heads of expenditure voted and non-voted, there were naturally some cases in which they proved too low. We are glad to note that, as a result of the recommendations of the Public Accounts Committee in their last report, the system has been changed. Consequently, in future years, we shall not have this source of excess.

9. As to the other items where excesses have occurred, the excesses under 'Mines' and 'Census' showed that the central control of expenditure was insufficient. We were similarly struck by the absence of any proper system of control from headquarters over the grants made for local areas beginning (in the year 1922-23) with North-West Frontier Province and ending with Bangalore, so much so that it was almost a matter of surprise that the total grants were exceeded only in Delhi, Rajputana and Central India. We could not get a fully satisfactory explanation of these excesses from the representatives of the Departments of the Government of India who control the administration of these areas, chiefly because they were themselves, not unnaturally, ignorant of the details of the expenditure. We were informed that the system had since been improved; but we would suggest that Government should take steps to study thoroughly the question of devising adequate checks against such excesses in future.

10. Before leaving this part of the subject, we feel it necessary to draw attention to certain mis-classifications that have been brought to our notice in the appropriation reports—as a result of which expenditure that ought to have been accounted for as 'voted' expenditure has been shown as 'non-voted' and *vice versa*...As instances, we would refer to page 15 of the Appropriation Report of the Accountant General, Punjab (1922-23) in connection with the expenditure of the North-West Frontier Province where he says "The excesses under these heads (41—Civil Works) are mainly due to the erroneous adjustment of charges amounting to Rs. 3,49,127 under 'voted' instead of 'non-voted'. Again in page 47 of the Appropriation Report of the Accountant General, Posts and Telegraphs, appears the remark "The excess (Rs. 30,190) is mainly due to a mis-classification between voted and non-voted expenditure. The pay of a Director, Telegraph Engineering, which is subject to the vote of the Assembly has been classified under non-voted expenditure". To take a third instance, in page 250 of the Appropriation Report of the Accountant General, Central Revenues, is shown as non-voted an item of expenditure amounting to Rs. 309 which is stated to represent the cost of a first class passage of an officer from Bombay to Mombassa. So far as we can see, this ought to have been taken as 'voted' expenditure, and if so, would have gone to swell the excess under Grant No. 36—Miscellaneous for which an excess vote is necessary. We mention these instances to show how important, from the point of view of parliamentary control, is a proper classification of these

charges in the accounts, for expenditure on any voted head in excess of grants voted by the Assembly cannot be ascertained and may sometimes escape notice altogether if some votable expenditure is by mistake classified under 'non-voted'. We recognize that it is sometimes difficult to determine whether a particular class of expenditure is voted or non-voted, but in view of the importance of this form of mis-classification we trust that the Government of India and the Auditor General will devise some method by which it may be avoided.

11. We also desire to emphasise the importance of correct classification generally. We understand that the Auditor General has put forward a suggestion that the drawing officer should record on the bills presented by him at the treasury the classification of the expenditure to meet which he is drawing the money. We recommend that this suggestion be adopted.

12. In addition to the excesses over grants above-mentioned in the actual expenditure (capital and revenue) of the year, there is an excess of 74½ lakhs under the head 62, Interest-free advances, where—

	Rs.
the original grant was	12,06,37,000
the final grant was	10,31,12,000
and the actual expenditure was	11,05,61,592

The actual expenditure was a crore below the original grant and the technical excess must in the present case also be attributed to the fact that the revised estimates proved too low. The actual excess occurs under the head 'advances repayable' and is explained* as due partly, as last year, to the system of accounting in the Army Department and partly to heavier advances being made to contractors. As the grant voted by the Assembly is a gross grant and recoveries are shown as receipts, the excesses under this head are only nominal, being counterbalanced by excess receipts.

13. With these remarks we formally recommended that the Assembly assent to an excess grant for 1922-23 which the Governor General in Council will place before them for the following sums in respect of the heads referred to in the preceding paragraphs :—

	Rs.
Expenditure charged to revenue	18,83,988
Expenditure charged to capital	25,219
Disbursements of loans and advances	74,49,592

14. Under the terms of our appointment we are required to bring to the notice of the Assembly every re-appropriation from one grant to another grant. We have noticed† in the course of our examination of the Appropriation Reports that the Foreign and Political Department sanctioned in two cases such re-appropriations. One was from savings in Grant No. 46—North-West Frontier Province to Grant No. 50—Ajmer-Merwara (both voted heads), and the other from a non-voted head 29—Political to the voted Grant No. 50—Ajmer-Merwara. These appear, somewhat to our surprise, not to have been objected to by the audit officer concerned. The re-appropriations were not, however, effective, as the grants voted by the Assembly in March were necessarily taken as the final grants, and all re-appropriations were *ipso facto* cancelled. We desire to emphasise the fact that grants voted by the Assembly can be added to only by the Assembly, and that any transfers to a grant from another grant, or from a non-voted head are invalid unless voted by the Assembly.

III.—GENERAL.

15. In commencing this part of our report, where we deal with the general questions that have come under our consideration, we desire to express our gratification at the fact that the Government of India have given effect already to most of the recommendations made in the last report of the Public Accounts Committee. These recommendations were made as we have already pointed out long after the expenditure which we have had to examine this year had been incurred;

*Page 200 (Appropriation Report of the Accountant General, Central Revenues).

† Page 178, *ibid.*

and the resolution* of the Government of India dealing with it was issued in January 1924. The effect can therefore be seen only when the next year's appropriation reports are ready if even then. We have no doubt, however, that a considerable improvement will be visible in the appropriation accounts for 1923-24.

16. It has been brought to our notice that the Railway Board, in a memorandum on the separation of the Railway from the general Finances have interpreted one of the remarks† in the last report in a sense which we feel sure was far from the intention of the Committee responsible for the report. The remark was as follows :—" It is not quite clear why a preliminary allocation of the amount for which the Railway Department had decided to place a supplementary demand before the Assembly was not made earlier and communicated to the Railways in anticipation of the sanction of the Assembly to the grant ". The Railway Board conclude from this that ' the Public Accounts Committee have censured the Railway Department for not ignoring the budget '. We wish to make it clear that there was, and is, no intention to suggest that as a matter of practice, the Railway Board, or any other department, should be encouraged to incur expenditure in anticipation of the sanction of the Assembly. What the Committee intended was that the Railway Board should have decided on a preliminary allocation of the grant between railways beforehand, without waiting till the Assembly had voted the total grant, so that there might be no delay in making the allocation as soon as the grant had been passed. Had this been done no technical excesses due to the failure of the Railway Board to distribute the grant under different units need have occurred. As a general principle, the Committee wish to emphasise again the importance of impressing upon the actual disbursing officers the absolute necessity of obtaining funds from the Assembly before incurring expenditure on voted heads.

17. In connection with the machinery for ensuring proper control of expenditure, we are glad to know that Government are taking steps to make a particular officer responsible for the total expenditure on a particular grant. As we have indicated in previous paragraphs, we have come across cases which suggested that such control had hitherto been far from effective.

18. There were three points referred to in paragraphs 20, 21 and 22 of the last report about which the Committee did not come to any definite conclusion. We have considered them with reference to the views of the Government as expressed in paragraphs 9—11 of their Resolution* No. 37-A. of 15th January 1924 and, in connection with the splitting up of the Railway and Posts and Telegraphs votes, have had the advantage of consulting the Financial Commissioner, Railways and Financial Adviser, Posts and Telegraphs. In regard to this question, Mr. Parsons told us that the Railway Board were at present considering the desirability of further sub-division of the railway vote into such subjects as general administration, maintenance, operating expenses, programme revenue, suspense, etc. We understand that the question has been before the Committee for the separation of Railway from general finance. We hope that some solution which will have the effect of increasing parliamentary control over this grant can be arrived at in the near future.

19. The question of splitting up the Posts and Telegraphs votes further is of comparatively minor importance, and we understood from the Financial Adviser (Mr. Ryan) that the accounts of this Department were in the process of being commercialised, and any change in the form of the demands might accentuate their difficulties. We have therefore decided to postpone consideration of the general question for the present, but we are glad to learn that the accounts will show the revenue and expenditure of the Postal, Telegraph, and Telephone Departments separately.

20. As regards the question of making the appropriation accounts more elaborate, we understand that the Auditor General has already placed an officer on special duty to go thoroughly into the question and that this officer's report may be expected to be available for consideration by the Public Accounts Committee next year. In the circumstances we make no specific recommendations at present, but we shall be glad if the Auditor General will arrange, in cases where grants for large amounts are involved (*e.g.*, the head ' Direction ' under ' Salt ') that a sub-table showing the variations under the more important items making up these grants is given in the Appropriation Report.

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*Appendix XIII.

† Para. 38 of the Interim Report.

21. We now come to the important question of the powers of executive officers of re-appropriation within a vote. We are not convinced that the decision of the Government of India in paragraph 9 of their resolution goes far enough. It is common ground that very frequent use of the powers of re-appropriation is undesirable in itself and that the details of the budget should within reasonable limits be adhered to by all subordinate authorities. We do not wish to suggest that all powers of re-appropriation except within 'primary units of appropriation' should be withdrawn, for we feel there is much force in the view expressed by Mr. McWatters that if re-appropriation is not allowed within reasonable limits, there would be a tendency for each Department to leave a margin in estimating its requirements and that the cumulative effect of these concealed reserves might be considerable. We think however that it is open to question whether stricter rules should not be framed as to the limits within which re-appropriations should be permissible without prior consultation with the Finance Department, and that any cases in which the powers of re-appropriation are in his opinion being unduly applied should be carefully brought to notice by the Auditor General.

22. The question of over-budgeting, is, as pointed out by Mr. McWatters, intimately connected with the question of re-appropriations, and, in view of the extraordinarily large variation between the total of the original grants and the actual expenditure of the year, we investigated the question thoroughly.

23. In paragraph 5 above, we have given explanations of these variations in the total; numerous lapses in minor heads that confronted us in the course of our scrutiny of the Appropriation reports can very probably be, in the majority of cases, explained by the fact that the spirit of retrenchment, so commendable in itself, had taken possession of disbursing officers in general. Mr. McWatters has also assured us that under the present system of framing the budget, the risk of over-budgeting is very slight. We feel, however, that we cannot, from the accounts of a single year which moreover was far from normal, express any confident opinion on the question. We trust that the Finance Department though considering the present system 'completely watertight' are fully alive to the risks of over-budgeting and will exercise a watchful care over the estimates as a whole in this respect.

24. In connection with another point which was raised in last year's report* by the Public Accounts Committee, *viz.*, the necessity for separate grants for expenditure in England, we have gone carefully into the question of the preparation of the Demands as a whole with Mr. McWatters, whose assistance and counsel we gratefully acknowledge. We entirely agree with him that in considering the form in which the Demands should be presented, it is desirable to start with the general principle that there should ordinarily be one controlling officer for a grant. Applying this principle to the demands for territorial areas, like Baluchistan, it is easy to see what heads should be excluded from the grant in respect of each area. All expenditure incurred in these areas under the control of outside authorities, *e.g.*, the Central Board of Revenue (Customs, Taxes on Income, Salt, Opium, Stamps), the Controller of the Currency (Currency), the Controller of Printing (Stationery and Printing) should be shown under the respective grants for those heads. Similarly such heads as interest, where also the head of the administration cannot exercise any control should be left out, and the demand for each territorial area should include only items of strictly local interest corresponding, in some measure, to provincial items of expenditure in the case of Governors' Provinces. Such would be General Administration, Forest, Education, Police, Medical and the like.

25. The above arrangement has this drawback that it will not enable the total cost of the Administration to be included in one demand. We consider however that all that is necessary is that it should be possible to find out the total expenditure on any territorial account from the Book of Demands for grants at a glance. This object can be easily achieved by adopting the expedient suggested by Mr. McWatters of showing as a footnote to the demand the expenditure incurred in that area on each of the several heads which are shown elsewhere together with a comparison of the previous year's figures.

26. Similar arrangements can be made in the grants for 'Expenditure in England.' We agree that it would not be practicable to abolish these grants altogether, and incorporate the various items included in them under the corresponding Indian grants. Moreover, we consider it desirable at present to retain

*Para. 10, P. A. C.'s Interim Report, 1921-22.

a system which effectually prevents transfer of funds from Expenditure in India to Expenditure in England and *vice versa*. Again, we recognise that it is essential for administrative purposes that the funds placed at the High Commissioner's disposal for sundry purposes, should not be, as it were, kept in watertight compartments as would be the effect if they were in separate grants. In a very real sense, the expenditure is under his control and he should have like other authorities powers of reappropriation *within reasonable limits*. It is desirable however that large items like the expenditure on Currency Stores should not be retained in this demand which should so far as we can see include only expenditure on minor stores, leave salaries, and such items of purely English origin as expenditure incurred on Establishments in England.

27. Another point connected with the demands is that of ensuring that in the case of grants like Stamps and Stationery and Printing where recoveries of large amounts are involved, both the gross and net expenditure come under the control of the Assembly. At present the grant is a net grant, and if the recoveries are more than are anticipated, the gross amount which the Assembly intended to grant for the total expenditure can be exceeded without any technical breach of the rules. To prevent the possibility of expenditure of this sort without the sanction of the Assembly, we consider that it would be desirable to obtain a grant for the gross expenditure in all cases as well as for the net expenditure. If any fall in recoveries occurs which has the effect of increasing the net expenditure, a supplementary grant should be obtained from the Assembly.

28. This brings us to the general question of whether these recoveries should be shown on the receipts side of the accounts, or as at present as deductions of expenditure on the disbursements side. This may be taken as part of the general question whether revenue and expenditure should be shown as gross or net in the accounts for a similar difficulty occurs in the case of the Commercial Departments like Railways where at present the accounts show the net revenue, after deducting the working expenses of the undertaking.

29. We print as appendix X to this report a memorandum on the above subject which was presented to us by the Finance Department. We have not had time to discuss this question, but propose to deal with it in a later report.

30. Another very important question that came to our notice in considering the Railway Appropriation report was in connection with the purchase of stores in England. The Assembly votes in March the amount expected to fall due for payment for stores in the course of the next financial year; but, in many cases, orders for these stores have to be placed long in advance, and without the sanction of the Assembly. This practice in effect commits the Assembly to provide a certain sum in future years to pay for these stores. At present we understand the Railway Department obtains from the Finance Department what is technically called 'an advance grant'. This is not really a grant in the sense of an appropriation; it is only an assurance from the Finance Department that it will place before the Assembly when the time comes a demand for the sum in question and it only ensures that the Railway Board does not send indents without the knowledge of the Finance Department. In other words, there is treasury control, but no parliamentary control.

31. We considered various methods of bringing this under the control of the Assembly but could not find any suitable alternative. We think that from the fact that the Assembly votes grants from year to year for Railways, the executive is entitled to assume that they intend that Railways should be carried on, and, after reviewing the position and taking stock of the stores in hand and the uses to be made of them, to take the necessary steps for the purpose in the belief that their action would be ratified by the provision of funds at least to the extent to which orders had been placed already. This ought to be accepted, we think, as a working convention, but, if a regular Railway Finance Committee is appointed it would in our opinion be desirable for the Railway Board to get the concurrence of that Committee before approaching the Finance Department. The Assembly cannot of course delegate its powers of appropriation to any Committee, but it can reasonably be expected that it would not ordinarily hesitate to ratify the decision of a Committee selected by itself.

32. We now turn to some of the comparatively minor points of general interest that were brought to notice in the course of our scrutiny of these reports. One of the most important is the part that accounts adjustments play in causing excesses over grants. When the adjustments are made in the course of the year, no excesses need take place, except by reason of absence of touch between the audit and administrative authorities. We trust that this defect, traces of which we noticed in the accounts

for 1922-23, no longer exists. But, in India, the accounts of a year are kept open for adjustments till a long time after the close of the year, and it is difficult to hold administrative authorities definitely responsible for excesses due to such adjustments. We think however that excesses of this sort can be prevented to a great extent if the following principles are observed :—

(*a*) When the budget is being framed, suitable provision should always be made for anticipated liabilities. In illustration of this we would draw attention to the excess under the head 'Police' in grant* No. 52 Rajputana which was due to the adjustment of about Rs. 57,000 on account of arrears of rent payable to the Rajputana-Malwa Railway for Railway quarters since 1919-20.

(*b*) Items should not ordinarily be charged in the first instance to a suspense head merely for want of information as to whether the charge is to be borne by the Central Government or a Provincial Government. We understand that it is the rule that expenditure incurred in any year is brought to account and charged to a service head. We think the rule should always be followed, so that, even if there is any doubt as to the ultimate incidence of the charge, it should be debited to the Government incurring the expenditure pending a final decision, the amount being if necessary recovered in a later year from the Government which was actually liable.

(*c*) As far as possible, it should be settled, before any expenditure is incurred, which Government should bear the cost. In the accounts for 1922-23 we came across a curious instance of expenditure amounting to Rs. 7,060, on a Committee appointed early in 1922 by the Government of Bombay in connection with country craft registration and measurement rules. This was treated in the accounts as Central expenditure as it related to a Central subject ; but no provision could be made for the expenditure as the Government of India first learnt of it in December 1923.

33. A case† has been brought to our notice where a clerk was granted leave on average pay for 14 months. This seems to have been in excess of that allowed under the rules, which we gather are not too easy of comprehension. We understand that leave on average pay for 9 months and 2 days was admissible in this particular case, and that ordinarily, on medical certificate, leave on average pay for 8 months would be admissible. This shows, it seems to us, the necessity of again drawing attention to the recommendations of the Incheape Committee with reference to the desirability of amending the leave rules which seem to be unnecessarily complicated. We understand that the Government have the question of revision of these rules under their consideration and we trust that the decision will be expedited.

34. The Auditor General has brought to our notice the fact that in the year under review, there was an increase in the number of defalcations and irregularities in the civil and military departments. We draw attention to this, in order to give expression to our opinion that the value of proper local inspections by the administrative and audit authorities should not be under-estimated and that economies resulting in the reduction of such inspection tend to defeat their own object.

35. A suggestion has been put before us that it is desirable that there should be an inventory of all Government property—buildings, furniture and the like—so that the total value of Dead Stock in the possession of Government can be arrived at at least approximately. We hope the suggestion will be carefully considered by the Government, as also the question of the adequacy of the existing system of checking Dead Stock Registers.

IV.—PARTICULAR ACCOUNTS.

Irrigation.

36. We find‡ that owing to the system of distribution of charges on account of establishment and tools and plant between Civil Works and Irrigation, an excess may occur under one of the grants, by the portion of these charges debitable to this grant being in excess of anticipations, though the total charge for establishment and tools and plant over the combined grants may be well within the sanctioned amount.

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* Page 181, A. G. C. R.'s Appropriation Report.

† Audit Report of the A. G. C. R.

‡ Page 38, Accountant General, Central Revenues' Appropriation Report.

We understand that the Auditor General is submitting proposals to Government in order to secure a better control of expenditure and is suggesting separate grants for establishment and tools and plant. We have not been able to discuss his detailed proposals and cannot therefore give a definite opinion on them at present.

Education.

37. The excesses under this head are due largely to the fact that anticipations in regard to recoveries from the Rajkumar College, Rajkot, and the Aitchison College, Lahore, were not realized. We understand that, though the only liability that has been undertaken by Government is the definite subvention promised, the practice is that the total expenditure is met initially by Government and all but the fixed grant recovered from the Colleges later. We do not consider it proper that, when the Assembly sanctions a definite amount for the purpose, the Government should spend a much larger amount in the hope (not always realised) of recovering the amount spent in excess of the grant; and if the practice is to be continued, we think that the Assembly should be invited to sanction the gross expenditure. But we do not recommend this course in these cases. We are of opinion that either the practice of meeting the expenditure initially should be abandoned, or steps should be taken to ensure recoveries being made in advance.

Census.

38. The expenditure against this grant seems to indicate some insufficiency of proper control at headquarters and absence of touch between the audit and administrative authorities.

39. We suggest that in cases where non-recurrent expenditure for a particular object continues over more than a year, the appropriation accounts should contain a statement comparing the total expenditure from the beginning of the period with the total sanctioned grants. Examples where a comparison would be useful, apart from this vote, are such items of expenditure as the visit of the Prince of Wales, Commissions of Enquiry, etc.

Central India.

40. We notice that the excesses are mainly due to revision of pay with retrospective effect and to the insufficient provision made for it. We hope that the first cause will not be operative in future as Government have already issued instructions* that retrospective effect to revisions of pay should not be given except in special circumstances. As to the second, we trust that all disbursing officers are by now aware† of the paramount necessity of obtaining grants sufficient to cover the voted expenditure which may be incurred within the year.

Railways.

41. We were interested in the statistics given in para. 18 of the Appropriation Report of the Accountant General, Railways, showing the percentage ratio of working expenses to gross earnings in individual Railways in the years 1921-22 and 1922-23. We think it would be useful if we could have similar statistics with regard to the more important minor heads under the head 'Working Expenses,' so as to enable a comparison to be made between particular Railways in particular respects. The Auditor General has promised, if possible, to include further statistics on the above lines in future reports.

42. The other point to which we wish to draw special attention in this part of our report is the alarming increase‡ in payment of compensation claims by the East Indian Railway for goods lost or damaged. The amount increased from 27 lakhs the previous year to 53 lakhs in 1922-23.§ This increase though partly due to payment of arrears is undoubtedly a serious matter, specially as there is little doubt that even these large amounts paid as compensation are far below the actual loss to the public by pilfering, etc. We understand that a special staff is being employed to deal with this, but it is too early to say what will be the results of the change.

Posts and Telegraphs.

43. The Auditor General has brought to our notice that a sum of about 17 lakhs representing the claim of the Government of India against the Iraq Administration for 1920-21 has been outstanding since 1921. We were informed later by the Accountant General, Posts and Telegraphs, that payment has provisionally been made

* Para. 12 of Finance Department Resolution No. 37-A., dated the 15th January 1924.

† Para. 8, *ibid.*

‡ Para. 19, Audit Report of Accountant General, Railways.

§ Page 21, Appropriation Report, Accountant General, Railways.

recently. We agree with the Auditor General in suggesting that the question of claiming interest for the period for which it was outstanding should be considered by Government.

44. In page 25 of the Appropriation Report of the Accountant General, Posts and Telegraphs, we came across a curious saving of a lakh which is explained as follows :

> "At the time of the annual verification of stores by actual count there is always the probability of a small discrepancy between the actual count and the book balance. The difference is written off to 'Stores' as stock adjustment. The estimated debit on this account was Rs. 20,000, whereas the actual turned out to be a credit to the extent of Rs. 82,000."

This matter is being further investigated, but it is a reasonable inference from the statements made to us that the previous stock-takings had been very faulty. We have been assured by the Director General that he is taking steps to improve the system of verifications.

45. We discussed at length with the Director General the causes of the fall in postal revenue in 1922-23. It is difficult to determine whether the fall was due mainly to the increased rates of postage or the general depression in trade and we have been unable to come to a conclusion in the matter. We suggest that Government should investigate the question departmentally, for we feel sure that it will be extremely useful if any reliable data could be collected to throw light on the effect on revenue resulting from these causes separately.

46. Another question that we discussed with the Director General was the possibility of reducing the superior staff in his department, for some of us feel that retrenchment has left them practically untouched and has spent its force on the rank and file. There is force in what he has said about the impossibility of reduction of officers proportionately to the reduction in staff, but we are of opinion, specially in view of the recommendations of the Retrenchment Committee, that the matter requires further investigation.

Military.

47. It has been brought to our notice by the Auditor General that under arrangements in force prior to 1st April 1923 no charge was made by the Army to other departments in respect of stores issued by the former and similarly no debit was raised by other departments against the Army for supply of stores, but, as a result of the recommendation made by the Retrenchment Committee, it has now been ruled that when stores were issued by the Army to other departments, a debit should be raised against the department concerned. It appears that there is at present no corresponding liability on the Army and that when it receives stores, *e.g.*, stationery, etc., it receives them free of charge. We consider that this system is *prima facie* incorrect and suggest that the question of having the arrangements between the Army and other departments put on a reciprocal basis should be considered by the Government of India.

Conclusion.

48. In conclusion, we desire to add that we have dealt in the preceding paragraphs only with the more important points that have come to our notice in the course of our examination of the appropriation accounts of the year 1922-23. There are certain other points of minor importance which have come under our consideration, but which we have not dealt with specifically in the report. Our opinions thereon will be found in the minutes of our meetings which are appended to this report and should be considered as part of it.

BASIL P. BLACKETT.
K. C. NEOGY.
N. M. JOSHI.
S. K. DATTA.
HUGH. G. COCKE.
K. AHMED.
V. N. MUTALIK.
GULAB SINGH.
K. RAMA AIYANGAR.
SHAMLAL NEHRU.
W. S. J. WILLSON.
MAURICE WEBB.

6th September, 1924.

THE INDI[illegible] MERCHANT SHIPPING (AMENDMENT) BILL.

PRESEN[illegible]TION OF THE REPORT OF THE SELECT COMMITTEE.

Mr. J. W. Bhore (Secretary, Department of Education, Health and Lands) : Sir, I beg to present the Report of the Select Committee on the Bill to amend the Indian Merchant Shipping Act, 1923, for certain purposes.

THE EXTERNAL CAPITAL COMMITTEE.

ELECTION OF MEMBERS.

Mr. President : I have to announce that, as a result of the ballot held yesterday, the following Members have been elected to serve on the External Capital Committee :

Mr. W. S. J. Willson,
Sir Sivaswamy Aiyer,
Pandit Madan Mohan Malaviya, and
Mr. V. J. Patel.

RESOLUTION *RE* RECOMMENDATIONS OF THE LEE COMMISSION—*contd.*

Lieut.-Colonel H. A. J. Gidney (Nominated : Anglo-Indians) : Sir, with your permission and with the indulgence of the House, I desire to seize this opportunity of presenting and discussing the amendment I have presented as also to remark on one other part of the Lee Commission's Report. If you will allow me, Sir, to combine both my remarks, I shall be very happy and grateful. The first matter to which I wish to refer is the Chapter in the Report of the Royal Commission on Indianisation, and I crave the indulgence of both my Indian brethren and my European Colleagues as also of the Government if in what I am about to say I may appear to stray from the main issues at stake in the deliberations of this House. Believe me, Sir, I have no desire to do so, but the issues at stake in Indianisation of the Services are of such vital importance to the community I represent, that I feel I would be failing in my duty if I did not voice their opinion and obtain a definite answer from Government. In the recommendations by the Lee Commission on Indianisation of the Services there is a studied absence of any mention of the words " Domiciled Community ". If may be this Commission did not include this matter in the terms of its reference though I tried to Show its importance and correlation when I gave evidence before it. But the reference made yesterday in this House by the Honourable the Home Member so far as the Muhammadan community and Indianisation was concerned emboldens me to refer to this matter, and as a representative of the community, which has played a not unimportant part in India, I do so and wish to ask what position does it occupy in either of the two cadres, " European " or " Indian ". The Government will tell me, as they always have, that, as a Statutory Native of India I am included with Indians. I expect this reply from the Government, but I regret to say I place very little value on it. As a Statutory Native of India, I have been told *ad libitum*, I am entitled in all matters to the same claims and privileges as my Indian brethren. I wish I were,

[Lieut.-Colonel H. A. J. Gidney.]

because then I would be getting my legitimate share in Indianisation to-day. But I find, Sir, that although I am called and officially classed as a Statutory Native of India, I am not treated in the same cadre as are Indians (*A Voice* : " Treated by whom ? ") If you will kindly let me have a little time, I will tell you. I shall place before this House specific cases showing that I have not been treated in the same cadre as ' Indians '. Even though Government tell me I am a Statutory Native of India, I cannot understand the omission of the Status of the Domiciled Community in the Lee Commission's Report on Indianisation, and it is with a desire to bring it before this Honourable House for its sympathetic consideration, that I have gone, if I may say, in a way astray from the main points at issue in to-day's debate. To prove that what I say is undeniably true, and that I am not treated in either of the categories " Europeans or Indians " in Indianisation of the Services indeed—to prove that Indianisation of the Services means to me " *ex*-Anglo-Indianisation of the Services ". I have with me a series of cases, but I shall confine myself to only four of the most important cases. The first case refers to an Anglo-Indian lady, a Deputy Nursing Superintendent in the Sambhu Nath Pandit Hospital, Calcutta, who after many years of excellent and faithful service received a letter from the Government of Bengal discharging her from the service and telling her that, with a view to further Indianisation of the Service, her place was to be given up to an Indian nurse. Lord Lytton, I am thankful to say, cancelled this order or this lady would to-day have swelled our army of unemployed, which owing to Indianisation of the Services is daily increasing. The next case refers to a batch of 28 Anglo-Indian railway employees at Ramrajatolla on the Bengal-Nagpur Railway who were *en masse* discharged from the Railway to give place to 28 *ex*-Indian sepoys, and the Agent of this Railway in his official letter admitted that this was an effort at Indianisation on his Railway. The third case I desire to place before this House is that of an Anglo-Indian named Mr. Syms, a Farrier Major in the 28th Light Cavalry, who took his discharge voluntarily from the Indian Army and was denied being placed on the Reserve, with the following words written on his discharge certificate. " On account of being an Anglo-Indian ". The fourth and last case I wish to put before you to prove my complaint to the hilt and to clarify the issue, as also to show you and the Government that I am not imagining but that I have every reason to apprehend the exclusion of the Domiciled Community from the term " Indianisation " as it appears in the Lee Commission's Report and other Government orders on it. This case refers to the three Anglo-Indian sons of a present Member of the Council of State, all of whom gave their lives during the past war. These three sons had applied at varying times for admission into the Indian Army Reserve of Officers. The General Officer Commanding, Burma, flatly refused to consider the claims of these three splendid types of Anglo-Indians who had had an English education and whose father occupied a very important position in Burma. The General Officer Commanding, Burma, General Johnstone, officially wrote about their application :—" I am not knowingly recommending any Eurasian candidates for the I. A. R. of officers, so I regret it is no use young—coming to see me " I have the original letter here in my possession. Sir, these four cases out of many explain the position of the Domiciled Community to-day in Indianisation of the Services. For us it spells *ex*-Anglo-Indianisation and a complete occupational ostracism.

Have I not adequate grounds to be apprehensive of being excluded from the term "Indianisation" as presented in that Chapter by the Lee Commission ? I submit most emphatically I have, and I wish here and now to ask Government very respectfully, yet very emphatically, to let me know, to let this Honourable House know once for all, so that I may be able to make my own arrangements for the safeguarding of my future and, if necessary, to enter into my own pacts with the rest of India, in which category am I included as "European" or "Indian" ? If I am to be considered an Indian, give me the same rights, privileges and opportunities ; otherwise tell me so frankly. Do not call me one thing and treat me as nothing. This complaint of mine is not an imaginary one, but an absolute statement of fact, and I hope it will be the very last time I shall have to present this matter to the House. I demand from the Government a clear and definite statement on this point.

I shall now deal with my amendment concerning Chapter III of the Lee Commission's Report which refers to the Indian Medical Service. Sir, before this Honourable House can realize the enormity and the significance of this recommendation of the Lee Commission, it seems to me desirable that I should very briefly tell you a little about the composition of the two Services concerned in this recommendation. I refer to the R. A. M. C. and I. M. S. These terms are familiar to everyone in this House, though I have heard these letters R. A. M. C. interpreted, as "Rather-A-Mixed-Corps" and "Rather-A-Mediocre Corps". I have also heard the letters I. M. S. interpreted as "Infinitely-More-So" and "Infinitely-More-Superior". Anyhow these are two distinct and separate Services. A little inside information about these two Services of the Administration has a direct bearing on the recommendations made by the Royal Commission.

The Honourable Sir Narasimha Sarma (Member for the Deptt. of Education, Health and Lands) : On a point of order, Sir, the Government Resolution does not deal with the question as to the future army organization of the Medical Services. Whether the R. A. M. C. and the I. M. S. should be incorporated in one Service or should continue to be two Services, that question the Government have not dealt with nor considered yet, and no Resolution on that point has been tabled. Government therefore do not ask this House to accept any suggestions or recommendations of the Lee Commission with regard to the future of the I. M. S. or the R. A. M. C. in so far as the army organization is concerned, and I therefore respectfully submit that any discussion here with regard to the future composition of that Service would be not only irrelevant, but would also lead to no fruitful results.

Mr. President : So far as I can judge, the Honourable Member who is addressing the House is perfectly in order in laying his views before the Assembly and the Government on the points raised by the Lee Commission and raised by implication in section (3) of the Resolution.

The Honourable Sir Narasimha Sarma : I take it, Sir, that the Honourable Member's amendment is being discussed ?

Mr. President : No, the amendment under discussion was moved by Pandit Motilal Nehru, as the Honourable Member is very well aware. Colonel Gidney.

Lieut.-Colonel H. A. J. Gidney: Thank you, Sir; I shall be very brief. The R. A. M. C., as we know, supplies the medical needs of the British Army under a system called the Station Hospital system to which is attached certain corps recruited in India, *e.g.*, the I. M. Dept., the Indian Hospital corps, etc., etc. The I. M. S., as the House no doubt knows, supplies the medical needs of the Indian Army and the civil medical needs of India.—40 per cent. of it is engaged in military hospitals and 60 per cent. of it in civil medical appointments. The 40 per cent. of the cadre of the I.M.S. doing duty with the Indian Station Hospitals has attached to it the Indian Branch of the I.M.D. consisting of Indian Sub-Assistant Surgeons. They occupy in Indian Station Hospitals the same position as the I.M.D. men do in the British Station Hospitals, with this great and glaring difference that, whereas in the Indian Station Hospitals these Indian Sub-Assistant Surgeons are treated as doctors in the British Station Hospitals, the Anglo-Indian I.M.D. members are treated as glorified compounders and clerks. That is an undeniable fact and there is no gainsaying that it exists in the British Station Hospitals of to-day.

Such are the two divisions of the Medical Services in India, the R.A.M.C. and I.M.S. I shall not enter into further details except to say that both these Services treat their sick by pooling them into British and Indian Station Hospitals, a system which was introduced into India years ago by the R.A.M.C. and has since 1918 been slavishly imitated by the I.M.S. The expenditure involved and paid by the Indian tax-payer on the maintenance of these two Services, excluding the Civil Medical Service, is the enormous sum of 2¼ crores. I would inform this Honourable House that with a British Army in India of about 70,000 the strength of the R.A.M.C. was about 333, and though the British Army has been reduced by about 8,000 troops the R.A.M.C. strength is practically the same. This means one R.A.M.C. officer to 250 able-bodied soldiers. The I.M.S., on the other hand, though the Indian Army has been reduced from 140,000 in 1913 to 130,000 in 1923, has increased from 290 in the year 1913 to 445 in the year 1923.

Now this is the position and strength of these two Services. In my opinion the Royal Commission in making its recommendations on the I.M.S. did so with much hesitancy, great diffidence and with an admitted inability to deal with the complexities of this difficult problem. It has put forward a recommendation which, when shorn of all its finesse, means the complete extermination of the Indian Medical Service—a Service whose glorious traditions and scientific work it would be hard to equal, a Service which has certainly very materially helped in the development of India, a Service to which I am sure every Member in this Honourable House will pay a deserving tribute. This is what the Lee Commission recommendations amount to, and it is very doubtful whether this Royal Commission, which consisted of five eminent Englishmen and four well known and able Indians, did not really exceed its terms of reference. I hesitate to make such a charge, but in its terms of reference there is certainly no such authority empowering it to recommend the complete extermination of a Service. It has done so nevertheless, and strange to relate it has done so without the inclusion in its ranks of one single medical man as adviser. I would draw the attention of Honourable Members to the hesitancy this Commission

displayed in the preamble to what it calls its " consequential recommendations." On page 11 you read the words :

" We approach this matter with some *diffidence*, since, though we have heard many witnesses on the subject we have not been able to devote ourselves *entirely, as did the Verney-Lovett Committee*, to this one question."

And yet this Commission was pleased to discard the proposals of the Verney-Lovett Committee in favour of the recommendations of a single individual by the name of Sir Charles Burtchaell. Further on on the same page, we read :

" This being mainly a military question, it would *not be fitting* that we should *attempt* to *expound* or *argue* the *merits of the Burtchaell scheme.*"

On page 12, paragraph 23, you will read what it calls " our consequential recommendations ". Consequential on what I ask ? On this feeling of *hesitancy*, this feeling of *diffidence*, this feeling of *inability* to go into the labyrinthine aspects of this complex question, this inability to *expound* or *argue* the *military parts of it*. Without any desire to be disrespectful I would remark that such weakness and hesitation does not add weight to the recommendations which we are seriously asked to consider here, the " Summum bonum " of which is the extermination of the Indian Medical Service. This hesitancy and indecision certainly lend support to my amendment in which I recommend that we should as a House unanimously recommend the complete omission of Chapter III from this Commission's Report. Indeed I am fortified in this my belief by the remarks made by the Honourable the Home Member, not the remarks, I mean the omission by the Home Member in his Resolution of any reference whatever to Sir Charles Burtchaell's scheme and on which this Commission has based its recommendations. It seems to me therefore that this recommendation by the Lee Commission in Chapter III of its Report is on its own admission devoid of any strength or force.

After what I have said Honourable Members might say it would be much better if, having condemned it or rather it having condemned itself, I were to say no more but resume my seat. I should be glad to do so if it were not made clear to me, from various discussions I have had with Members of this House that they believe, rightly or wrongly, that no matter what this House says, willy-nilly this Report will be submitted to the House of Commons and accepted by the British Parliament. I am however not one of those who thinks that the Government of India would give us an opportunity of expressing our opinions upon this Report and then refuse to recognise them. I also do not think that the present Labour Party in England would treat the views of this House with such supreme indifference as to say " Willy nilly we shall accept the recommendations of the Lee Commission." Having indulged in a little necessary destructive criticism to establish my amendment, I now wish to say something constructive. In the event of the Honourable the Home Member's amendment being accepted, let us analyse what it means to us, what it means to India, for I am of India and I speak as an Indian citizen. It means the gift to us of a Civil Medical Service which is to be recruited by open competition both in India and in England, the basic principle being an open competition coupled with the control of the Provincial Government, subject to certain control by the Public Services Commission, the Secretary of State in certain matters having the ultimate voice of control. Now this is supposed to be provincialising a Service which has hitherto gone by the proud name of an All-India Service. If that were so, I mean if this were a Provincialised Service, I am sure it would

[Lieut.-Colonel H. A. Gidney.]

be acceptable to this House possibly with just a little weak opposition so far as the control of the Secretary of State was concerned. But that is really not so. For, if you read sub-clauses (*d*), (*e*) and (*f*) of clause 23 of this Report, you will find what I think constitutes the cause for much of the mistrust and doubt which permeates the minds of many Indian Members, but which I am happy to say does not permeate my mind. I believe certain Indian Members feel that, if this is to be a Provincial Medical Service, it must be so in every sense and not partly under the Secretary of State's control. I agree with them. But what does that connote ? It connotes that recruitment for this Service must be in India and in India alone. In any case and at the same time you must be willing to satisfy the desires of the English community. I submit that if Indians wish their sentiments to be respected by Englishmen, they, on their side, must respect the wishes of Englishmen, be they officials or otherwise, regarding the treatment of their wives and children by English doctors. How is it to be done ? This is the crux of the whole situation. I feel sure if the Government of India presented to the country and this House a Civil Medical Service entirely recruited from Indians, it must be acceptable to this House. But I am not one of those who, like my learned colleague Dr. K. G. Lohokare, think that India is fit to-day to supply all her own medical needs. I wish she could but she certainly cannot do so to-day. And therefore till she can and we raise the standard of our medical schools, we must depend on the European element or what has come to be called the " steel frame ", or as my friend the Honourable Pandit said yesterday the " wooden horse ". I say that you must have this little leavening, who would also supply the medical needs of the European Members of the Services and their families. But if that were all that you were asked to do, I am sure you would even then accept this recommendation. The larger mistrust which enters your mind, I feel sure, is not due to this but to the introduction into this Civil Medical Service of the military element. We are told in sub-clauses (*d*), (*e*) and (*f*) of clause 23 of the Lee Commission's Report that one-half of the British element in these Services must be supplied from the Indian Military Medical Service in India and be a war reserve or, as Sir Charles Burtchaell would be pleased to call it, the R. A. M. C. (India). I do not advocate this. I consider that the civil and military medical departments should be entirely and wholly divorced one from the other. I know the Army and Government will say : " How is this possible ? How could we get our reserve for the army in case of mobilisation ? " This is a difficulty but can be done. It is done at present and it could be done for many years to come by utilising those of the I. M. S. officers—about 50 per cent. of its present cadre—who are to-day in civil employ. They would form the military medical reserve until such time as India is in a position to supply her own medical needs.

Mr. President : I would remind the Honourable Member that he has reached his time-limit.

Lieut.-Colonel H. A. J. Gidney : So, I say that if we are to accept any recommendation in this Report we should accept (*c*) of clause 23 and we should refuse to accept (*d*), (*e*) and (*f*), that is, we should insist on separating the military from the civil side. But the Army Member may say that this cannot be done, that the I. M. S. military is hard up for men and that there is a scarcity of European medical men. I disbelieve the Honourable Member on that matter. I have here the figures

that were supplied to me relating to the state of British military hospitals in the Indian Army, and I refer to them only to show that this cry of shortage of British medical officers which has been raised is a false cry. It is an inflated complaint ; it is not really a genuine complaint, and it emanates from a man named Sir Charles Burtchaell who reigned here as Director, Medical Services, from the year 1918 till 1922 and looked at everything medical through a pair of glasses marked R. A. M. C., and who considered everything emanating from India as an inferior article, so much so that he objected to the term " Indian Medical Corps " as suggested by the Verney-Lovett Report. It is not surprising that this man should want to decry the Verney-Lovett Report and press his own view which was nothing else but taking up the whole of the medical needs of India within the grasp of the R. A. M. C., and so ultimately within the grasp of the War Office, and also of a good slice of the civil medical administration of India, giving India a subordinate position and depriving the Provinces of complete control of their civil medical service.

I have here these figures and I will conclude my remarks with them. These figures show that in 1913 there were 333 R. A. M. C. officers, the number of beds in the same year was 6,769 or 7 per cent. of the total strength ; in 1923 there were 8,653 beds with the same number of officers. In 1913 I ask you to note that out of a total bed accommodation of 6,769 beds, only 2,000 beds were occupied and 4,700 were lying fallow and vacant. In 1923 out of 8,651 beds 1,793 were occupied leaving 6,857 beds unoccupied ; and these unoccupied beds in the Station Hospitals had their required personnel, menial staff and all sorts of stores and paraphernalia which go with such military medical institutions. This means that one-fourth of the accommodation was utilised and three-fourths unutilised. Coming to the Indian Army, with a strength in 1913 of 131,000 men, there were 273 I. M. S. officers or 2.1 per million; whilst in 1923 the strength was 143,000 with 495 I. M. S. officers or 3.5 per million. The total bed accommodation in 1913 was 8,815 out of which 2,702 were used ; in 1923 the total number of beds of the Indian Army was 12,047 out of which only 2,704 beds were occupied....

Mr. President : Order, order. The question of bed accommodation in hospitals is not in order. Will the Honourable Member bring his remarks to a close ?

Lieut.-Colonel H. A. J. Gidney: I lay these facts before you to show that this scarcity of European medical officers for the I. M. S. is inflated. We have these two medical services spending Rs. 2¾ crores of the tax-payer's money, making use only of one-fourth of the hospital bed accommodation provided, and we are asked to spend money maintaining the remaining vacant three-fourths. I know the Member in charge of the Army Department, Government of India, will say: " the health of the army is not indicated by the number of beds occupied in the hospitals, but those unoccupied ". If that is so, I think the army would do well to adopt the Chinese system and pay their doctors when they are well and not when they are ill. I submit that the civil medical service must be a distinct one from the military medical service ; and to accomplish this, in the second part of my Resolution, I have suggested to this House the formation of a Select Committee to go thoroughly into this matter—the same as the Honourable the Home Member said in (*c*) of his Resolution in which he suggests further consideration of the question. I therefore submit that we should as a House refuse to accept *in toto* Chapter

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III of the Lee Commission's Report, and that we should also accept that part of my amendment in which I suggest the formation of a Select Committee. It is almost the same as the Honourable the Home Member's amendment on the medical services and not very dissimilar to the Honourable Pandit's amendment, and as such I feel sure that the points I have placed before you, will commend themselves to this Assembly. The details I would leave to the Select Committee in which both Houses should be represented with civil and military medical men as expert advisers.

The Honourable Sir Narasimha Sarma : Sir, the Honourable the Leader of the House asked me yesterday to explain to the House the proposals of the Government with regard to the Indian Medical Service ; but the course of discussion yesterday and the amendment moved by Pandit Motilal Nehru induce me to deal with some of the recommendations of the Lee Commission with which the Department over which I preside is intimately and immediately concerned. The amendment asks that the recommendations of the Lee Commission with regard to the Educational, Agricultural, Civil Veterinary, Forest and other Departments with which I am now immediately concerned should be rejected, subject to one qualification with which I shall deal later, namely, that all further recruitment in England in respect of these Services should be stopped ; and inasmuch as I believe that the recommendations of the Commission in this respect, which have been provisionally accepted by the Government, lead on the whole to an improved situation, a situation which the people of India, I believe, would welcome, I cannot help regretting that the amendment should have assumed that wide scope without due limitations, in dealing with the Departments with which I am concerned. I can understand and appreciate the reasons which are moving many of the Members of this House and the outside public as well in condemning wholesale the recommendations of the Lee Commission. Among other contributory factors are two important considerations, namely, first, there is a feeling of fear and mistrust lest the Lee Commission recommendations should somehow and in some manner interfere with the progress of the Reforms which the country has at heart ; and the second consideration is the expenditure which would be involved by the acceptance of these recommendations. I shall not deal with the latter part of the subject in respect of which the Honourable the Leader of the House and the Honourable Sir Basil Blackett are more competent to deal than myself, but I may say this that many of the British officers serving in the Departments under me did complain before this Royal Commission was appointed that they were suffering pecuniarily and that some relief was needed. I must say that in fairness to the Services under my control. It is hardly necessary to go back to the genesis of this Commission. There were retirements on proportionate pension. There was agitation in India ; there was pressure brought to bear on the Government of India and the Secretary of State by the Services and, what is more, there was the difficulty felt by the Government both here and in England with regard to the recruitment of British youths for the Services in this country. (*Pandit Shamlal Nehru* : " May I know the number of premature retirements ? ") I have not got the figures here but there was an appreciable number in the Police, a few in the Civil and many to my regret of good officers in the Agricultural Department, hardly any in the Forest ; and that is all that I can say at present. (*Pandit Shamlal Nehru* : " Shall I say 20 at the utmost ? ") Well, I will not

care to reply to that question. I would put it to the House that the people might have been confronted with a decision, taken after due consultation no doubt, with regard to expenditure without the corresponding advantages which are the immediate result of the appointment of this Commission. I am not here to try and justify the appointment of the Commission, there is no need for it. I am not here to say that the needs of the hour might not have been met in a different way, but, taking the Commission as an accomplished fact, I would ask the House to remember that the position might have been easily worse from their standpoint, and that we should dispassionately view the recommendations of the Lee Commission both from the standpoint of the advantages which have been gained as well as from the standpoint of the expenditure involved, which to some minds may appear to be large. It is fair play that the Government ask from the House in dealing with the recommendations of the Royal Commission. It has been said : Is there any principle which has been laid down by the Lee Commission ? Can we discover it even with the aid of a microscope and, if any can be discovered, is it not subject to so many limitations that it is hardly worth while calling it a principle ? We know as practical men that there are no principles to which exceptions and limitations cannot and should not be made. But, broadly-speaking, I think what the Lee Commission has laid down is a position new to the country, namely, that, in respect of subjects which have been provincialised and transferred, the Services, subject to vested rights, should be under the entire supreme control of the Local Governments. Up to the date of the recommendations of the Lee Commission, the accepted principle has been that, although a subject may be provincialised and transferred, still the Superior Services controlling or at any rate administering those subjects should be in the main All-India Services. A breach has been made in this principle and a new principle has been enunciated that, in respect of transferred fields hereafter, at any rate in regard to recruitment, the control, subject to vested interests, should be entirely in the hands of the Provincial Governments. I would suggest, Sir, that this is a principle which, whatever doubts may be felt from the large point of the consolidation of India, has its merits and deserves recognition, and it is by acceptance of that principle that the House can secure the complete provincialisation of the future recruitment of the Services with which I am intimately connected. I recollect the controversies which raged in 1914 when the Islington Commission was sitting and reported. I recollect as a Member of the Government of India the attitude which had to be assumed in dealing with further Indianisation, and I must frankly state to the House that it is a large step which the Government have taken, a step of far-reaching importance in accepting the complete provincialising of these Services and in leaving to the Local Governments future recruitment under these heads.

And, mark you, gentlemen, hereafter it cannot be said that the nation-building Departments would not be entirely in the hands of the Ministers who control them. (*Mr. Devaki Prasad Sinha* : " Not entirely ".) They would be for a time subject to the vested interests of the officers already in the Services which would have to be protected. In all transitional stages—and the stage may be a long period—(*A Voice* : " Very long indeed.") It is so. But that is a period we will have to face, and I do not think anybody in this House or outside this House would ever enunciate the principle that the vested interests of anybody should, at any rate with-

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out adequate compensation, be sacrificed. We have to take things as they are, and I go further and say that India would require the help, the guidance, and the friendly co-operation of the men who would be left in these Services for the purpose of building up her national agriculture and industries. And I hope—now that the friction with the Local Governments that the people who ought to guide the Local Governments are not allowed to choose the servants whom they have to employ—now that that friction, that sort of irritation, is removed, I earnestly hope that the Ministers backed by the people would realise the need for seeking the aid of the best men outside India for some time to come, and that this would not mean the extinction of recruitment of Englishmen or of outsiders whenever their services may be required for the benefit of the country. In passing, I cannot help paying—it is my duty to pay—a tribute to the Services which will shortly be placed on a provincial basis, which have contributed to the growth, advancement and development of this country. The achievements of the officers of the All-India Services in the Educational, Agricultural and other fields are too well known to require any recapitulation at my hands, and I am sure that this House will readily recognise, especially at a time when the Government are prepared to leave entirely in the hands of the people the future recruitment for these Services, the merits of these officers and the help which they have rendered in the past and which we hope they will willingly render in the future. Let me say one word with regard to the feeling of mistrust which is largely influencing the people of this country, namely, that the recommendations of the Lee Commission, if accepted, might in some way retard the granting of reforms on a large scale or in the manner in which the country expects in the immediate future. The Honourable the Leader of the House and Sir Charles Innes have on behalf of Government stated to the House freely and frankly that there is nothing in this Report which should in any manner be taken as embarrassing the Government in any manner whatsoever in dealing with the question of future reforms. That was a question with which, as has already been stated, the Commission had not to deal. They were asked merely to organise the Services on the assumption that the *status quo* will, in the main, be preserved. You may quarrel with particular details of the proposals which they have made, but they have envisaged the position when the reserved fields of activity would be converted into transferred fields. You may quarrel with the details of the proposals as to what should be done if such a change is brought about. But I would submit that there is nothing in the Lee Commission's Report itself which can expressly or impliedly be taken as precluding the progress of the reforms in the manner in which the people and the Government may find it desirable to proceed. I suggest to the House that it would pay better to take the Government at their word when they have stated that there is nothing in the Lee Commission's recommendations which could even impliedly stand in the way, rather than import doubts and difficulties, which after all, I would suggest, from the larger point of view, would never pay.

I shall now deal, Sir, with the question of the Medical Services and the proposals of the Government. I should explain at the outset that the Government have tabled these proposals for the consideration of this House in order to show it that they treat the recommendations of the Lee Commission as a whole, as integral parts hanging together, and that the Gov-

ernment have no idea of going back upon any of the recommendations which may be considered to be in favour of the proposals which the people have been pressing upon the attention of the House and of the Government. They have asked the Local Governments to state their views on this difficult and perplexing problem. They have not yet received the replies, except from one or two of the Local Governments. The question is further complicated by the fact that the suggestions of the Lee Commission touch upon the future organisation of the Army, and that is a subject which was entirley outside the purview of the Commission. That has no strict bearing upon the constitution of the Civil Services. That is a matter which has to be dealt with on its merits in respect of considerations which ought to prevail in Army matters. The War Office has to be consulted and Honourable Members will readily recognise that it would be impossible for the Government to arrive at any reasoned conclusions with reference to the future composition of the Army Medical Services. So I will ask you to dismiss from your minds any suggestions with regard to the future composition of the R. A. M. C., as to whether the Government are in the least inclined to abolish the I. M. S., and to have a unified single Service. I would ask you to confine your attention to the proposals as formulated by the Government, which ask you to accept in principle one point subject to three limitations. The recommendation which I am asking you to accept, and which I believe will find ready acceptance in this House, is that Provincial Civil Medical Services should be constituted in the Provinces. I will deal with the limitations later on. On that subject, public opinion has been pressing very hard upon the Government in the past that the civil needs of the population deserve greater attention in the constitution of their Civil Medical Services than the needs of the Army, and that there should be accepted in principle the necessity and the desirability of constituting an All-India Civil Medical Service. This is a recommendation which has been made by the Islington Commission subject to certain limitations. What the Islington Commission contemplated and what was pressed upon the attention of the Government by a Resolution moved by the Right Honourable Srinivasa Sastri was the constitution of an All-India Civil Medical Service with Provincial Medical Services attached. The departure made by the Lee Commission is in the direction of constituting it entirely on a provincial basis. Much can be said, for the sake of the future consolidation of the interests of India, in favour of continuing on an All-India basis the future composition and constitution of the Civil Services of the country even when those Services are composed entirely, or almost entirely, of Indians. The centrifugal forces operating powerfully in this country, the divisions, and the provincial jealousies, need to be checked as far as possible and the All-India Services have been a very useful factor in the past in that direction. And I for one have had some difficulty in reconciling myself to this recommendation in favour of Provincial Medical Services, but I accepted it because I felt from my practical experience during the four years and odd of my service as Member of Government, as well as on other considerations, that there was no alternative but to accept the Lee Commission's recommendations notwithstanding the consideration that I have placed before this House. Provincial jealousies, the desire of each Local Government to recruit from amongst men of their own province, communal differences, and various other factors have rendered the position of the Government of India an extremely unenviable one in the past, and when the Lee Commission, on which there were four members from different Provinces,

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had come to the conclusion that in future the Services especially in these branches, should be on a provincial basis, the Government of India felt that they would be wise in accepting the recommendation which they hoped would be backed up by the people. I hope therefore that whatever may be your difficulties, whatever may be your inconveniences, whatever may be your misgivings, regarding the future composition of the Medical Services, the main recommendation will be accepted in principle by this House.

Then I have subjected the proposal to three limitations, one of which is extremely important and I may say, may be far-reaching in character, and the other two are not of such great importance. The first limitation is that the Civil Medical Services should absorb the military reserve. My Honourable friend, Colonel Gidney, has quoted to you certain figures in order to show that the Army has too large a number of medical officers and that the needs of the country could be met by a smaller number, and I could not follow him in one place when he said that India can furnish all the medical men she requires.

Lieut.-Colonel H. A. J. Gidney: I rise to a personal explanation. I said that I did not agree that India could furnish all its medical needs. It certainly cannot. I was emphatic on that point.

The Honourable Sir Narasimha Sarma: I am glad to see the position clearly now. I may say that those figures are somewhat inaccurate. The Army Department, to do it justice, has been trying its level best to keep down the number of medical officers, especially after the Incheape Committee has made its recommendations, and in the R. A. M. C., in the Budget for 1924-25 I note this, there were not 331 but only 265, and in the I. M. S., not 495 but only 388 medical officers provided and so there has been.....

Lieut.-Colonel H. A. J. Gidney: May I rise to a personal explanation. I am very sorry to interrupt the Honourable Member. He has made a mistake in thinking that my figures are incorrect. I have these figures signed and furnished by the Office of the D. M. S., India, and they are dated about ten days ago. So I believe they are accurate and I accept them as accurate.

Mr. Chaman Lall (West Punjab : Non-Muhammadan): May I inform the Honourable Member that those figures are for 1923-24. The Honourable Member for Education has referred to the figures for 1924-25.

The Honourable Sir Narasimha Sarma: I am taking the figures that I am quoting from the Budget for 1924-25,—265 and 388.

Dr. H. S. Gour (Central Provinces Hindi Divisions: Non-Muhammadan): My Honourable friend, Colonel Gidney's figures are for 1923.

The Honourable Sir Narasimha Sarma: And I have no reason to suppose that there have been additions since to these figures. There might have been small additions, but not at any rate the figures which would reach the dimensions quoted by my Honourable friend. In any event, the question as to what the number of medical officers for the Army should be is entirely outside the purview of our discussion this morning. The question is, is it necessary to make provision for the absorption of the Indian Army Reserve, or is it not necessary to do so? In asking you to accept my recommendation I will have to give you figures

necessarily and I have been informed that approximately the war reserve that would have to be absorbed would be about 195 officers, of whom there would be provision for not less than 65, or, including the leave reserve, 83, in the departments directly under the Government of India. Therefore, it is not a very large number that has to be absorbed by the Provincial Governments with a reformed constitution under the proposals that I am tabling before you. Then, again, Honourable Members will find that from more than one standpoint the absorption of this medical reserve in the civil with due safeguards would be a source of immense strength, immense benefit, to the Civil Medical Services themselves. We have practically accepted, I think,—because I have not seen in the past or in the present any dissent from the view that the civil medical officer should, as far as possible, be ready to undertake the duties of going into the field in case of necessity, and I would ask you, would it not be helpful to have a small leaven of officers who have gone through the drill, through the course of discipline in the Army—a small number—who in the past have justified their existence, who in the past have brought about incalculable benefits to this land—is it not wise to keep them ? Even from a narrow standpoint there must be a number to stiffen, to help, to stimulate the activities of the civil officers who would have in case of the painful necessity of the occurrence of a war to go to the field. Apart from that,—I was just now alluding to the centrifugal tendencies—is it not desirable that there should be a small leaven of officers trained in the best European institutions who have gone through the mill as it were, through a course of discipline, serving in the Army for about 4 or 5 years—is it not useful to have such a small stiffening element even from the larger standpoint of the interests of the consolidation and solidarity of India ?

Dr. K. G. Lohokare : (Bombay Central Division : Non-Muhammadan Rural) : Small means 50 per cent.

The Honourable Sir Narasimha Sarma : It cannot be 50 per cent. The number of officers who would in future have to be absorbed may not exceed—I will not make a positive statement because the question has not been thoroughly examined—122 or 123 at the utmost out of 570, the full strength of the civil medical service at present.

Dr. K. G. Lohokare : Percentage to civil ?

The Honourable Sir Narasimha Sarma : The whole strength at present is 570 approximately. There are at present 420 I. M. S. officers provided for in civil employ, and I may state to the Assembly that with the consent of the Local Governments, including the Ministers, there has been provisional reservation made under the orders of the Secretary of State under Devolution Rule 12 of 333 appointments for the I. M. S. 333 posts have with the consent, omitting one or two Provinces, of the Ministers and the Local Governments, been reserved provisionally, but the decision has not been made final. Taking it that this would continue it will have to continue for an appreciable period. Therefore, you will see immediately what an immense improvement from the point of view that is being urged on the Government it will be if the recommendations of the Lee Commission are accepted in their entirety in this respect. I was on the point that the military reserve under this condition that I have stated is not a very large one, and there is another greater reason why the House should readily consent to absorb this military reserve because in the past, although there has been no contract, the position of the Medical Services, their constitution and the

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staffing of the hospitals has been such as to secure suitable and adequate provision for British officers and their families. I know there is a good deal of feeling in the country that somehow racial considerations are being imported into this question.

Mr. N. M. Joshi (Nominated : Labour Interests) : Is it not true ?

The Honourable Sir Narasimha Sarma : I may assure the House that there is absolutely no foundaton for that belief if the facts are really understood. I will not say that there is no ground for misunderstanding. During the last one century the Civil Medical Service has been composed entirely or almost entirely of the I. M. S. officers, at any rate the higher branches. There were only 73 out of 566 and odd, 73, mind you, non-I. M. S. officers in 1914 when the Islington Commission made their report. Now the figure is nearly four times as large, and it will be still larger if the recommendations of the Lee Commission are accepted, and the proportion which is being reserved for the war reserve would be infinitesimally small if the civil needs of the population have to be met and are met on an adequate scale. I do not see any limitation to the numbers which will have to be recruited in future if the civil needs of the population have to be adequately and properly attended to, and therefore with an increasing civil cadre what would this small war reserve be especially when that war reserve would be useful also for the purpose of administering to the medical wants of Europeans and their families ? If we entered into a contract for a breach of which there would be compensation, if entered into a covenant for the breach of which an officer could leave our service, then Honourable Members may say that racial discrimination has been introduced ; but we merely wish to provide the facilities which at present are open to the civil officers, especially having regard to their susceptibilities and having regard to the interests of future recruitment. Here I wish you for a moment to put yourself into the position of people having sentiments on these subjects.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : Do the Government repudiate the obligation suggested by the Lee Commission ?

The Honourable Sir Narasimha Sarma : The Government intend to provide adequate facilities.

Diwan Bahadur T. Rangachariar : Without undertaking any obligation ?

The Honourable Sir Narasimha Sarma : Civil obligation if you wish to put it like that. I would not let anything escape from my lips which might lead the Services to believe that the Government do not intend to fulfil the promise that they give them. They do mean to provide adequate facilities. There exists at present adequate facilities. It is because the power is being passed on to a transferred field completely that the Government have had to subject this Resolution to that reservation. Otherwise there would not have been any necessity for it.

Mr. M. A. Jinnah (Bombay City : Muhammadan Urban) : Is that the reason for fixing the numbers of the British Medical Service ?

The Honourable Sir Narasimha Sarma : The Local Governments have been asked as to how they intend to meet the needs of the Europeans in the civil employ and their families. We have had no replies from them. Therefore there has been no opportunity to consider as a

Government any proposition as to the method by which the future needs of these officers will have to be met. But I may give you this information that at the present moment in the reformed Provinces, excluding Burma, there are about 93 British officers working as Civil Surgeons, and I have told you that about 130 at least, excluding leave reserve and so on, would be available from the war reserve. Therefore, the Government have found themselves in this convenient position. They can absorb with great utility and great economy a small war reserve. From that war reserve, they can meet, they hope to meet, at any rate the needs of the European Services and their families, and you are asked therefore to accept two propositions which in themselves, analysed in the light of the figures I have given, do not mean much and do not imply at all any racial discrimination.

Dr. H. S. Gour : Who will control the war reserve officers, the War Office ?

The Honourable Sir Narasimha Sarma : There is a limitation, there is a formula under which the Army war reserve is fixed. If you reduce the total cadre of the Army medical officers it follows automatically that the cadre would be reduced in respect of the war reserve also. We look not merely to these army officers but to the civil officers also in the case of a great war. But I think the army reserve numbers that I have mentioned would adequately fulfil the needs of the situation, in the case of a small war and I hope wars, small or large, though they may be eliminated in the distant future cannot be eliminated altogether just at present.

Dr. H. S. Gour : Why do not you call them supermedicœs ?

The Honourable Sir Narasimha Sarma : I come now to the third part, namely, further scrutiny or examination of the needs of the recruitment of the Army. Here you may smell danger. I have already told you the existing position under the present constitution and the rules as they stand, namely, that 333 posts have been reserved and including leave reserve 420 I.M.S. officers are being employed in the civil branch of the administration. This examination will, I may assure you, relieve that situation to a considerable extent. As to how far and what may be the exact proposals which would have to be taken up is a point on which I will not dogmatise or give any assurance. But, supposing you had an Indian Government, pure and simple, and you found it difficult to find recruits for the Indian Army Medical Corps except by throwing open certain avenues of civil employ, would you as a Government dissociate yourself from your duty towards the Army and say we do not care whether the Army is administered by proper army doctors or not ; this is a civil matter and therefore we shall entirely dissociate the two spheres and make our recruitment proposals on that basis ? I am sure that a Swaraj Government composed entirely of Indians, if the situation necessitated, would take the needs of the Army into consideration. And a situation somewhat similar has arisen, Sir, because I may tell you that the figures give a most gloomy aspect with regard to the recruitment of British medical officers. Since 1915 there has been no open competitive examination. During the last two years we have not been able to secure a single British medical recruit for the I.M.S. except on special terms. The number recruited previously was small and inadequate, and the R. A. M. C. wanted 30 men for their commissioned ranks this year and they could not get more than four candidates. There are causes which are operating against recruitment—war weariness, adequate employment in England and so on—and we do not expect this state of things to continue

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very long. But still the position is as I have stated, and because the Army requires a certain number of British recruits, the Government of India, you may easily realize, will have to do something, or at any rate will have to do nothing which will further dissuade recruits from entering the Army Medical Service. That is a problem which we have to investigate, which we hope to investigate, with the aid of Local Governments and with the aid of the War Office and the Army in India. That is the reason why I have been obliged to move the acceptance in principle of the constitution of the Civil Medical Service subject to further examination as to what may have to be done in the interest of recruitment of British medical officers for the Army. That is my justification. No one wants a large number of British medical recruits imported unnecessarily into the civil services of the country against the wishes of the Local Governments. I have already told you that the number required for the Army Reserve is very small; that the number required to meet the needs of the European officers in civil employ and their families would be very small. I have already told you that there is a large number of places at present reserved for I.M.S. officers in civil employ. The position will be brighter, better and in no way worse from the Indian point of view under the proposals I have discussed, and I hope therefore that the Council will see the utility and wisdom of not rejecting the recommendations of the Lee Commission, which rejection will lead them nowhere, which might easily lead to a continuance of the *status quo*—and I may assure you that there are many who would not in the slightest degree object to the maintenance of the *status quo* who would indeed be only too glad because they believe that these changes are leading us on the wrong track. Therefore, I think the House will be well advised not to reject the recommendations of the Lee Commission in so far as they have been accepted by the Government and formulated in this Resolution.

Well, Sir, I am extremely thankful to you for your indulgence. It is a very difficult subject, and any remarks which Honourable Members may make with regard to the essential principles governing this problem would be very carefully borne in mind by the Government. And I may assure the House that the Government are only too anxious to meet the wishes of the House and the people in this matter subject to the limitations that I have mentioned.

BILLS PASSED BY THE COUNCIL OF STATE.

Secretary of Assembly: Sir, in accordance with Rule 25 of the Indian Legislative Rules, I lay on the table the Bills which were passed by the Council of State at its meeting of the 10th September 1924. They are :

(1) A Bill to amend and consolidate the law relating to Government and other Provident Funds ; and

(2) A Bill to give effect to certain articles of the International Convention for the Suppression of the Circulation of, and Traffic in, Obscene Publications.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

Sir P. S. Sivaswamy Aiyer (Madras : Nominated Non-Official) : Sir, at the very outset of this debate the Honourable the Home Member referred to the atmosphere of prejudice in which the Royal Commission came into existence. He invited us to consider the recommendations without any appeal to passion, in a spirit of judicial impartiality. It is in that spirit that I have approached the consideration of this problem. I have approached the question from an independent point of view, and the amendment which I sent in embodies the results of my independent examination. Sir, I belong to a different school of thought from that which is represented by the Honourable and learned Pandit, my friend, Pandit Motilal Nehru. I am not a politician nor a practising lawyer, and I am not going to set up the prison bar or dilatory pleas or pleas of jurisdiction. I am going to deal with the question from the point of view of a plain, practical man having to deal with a Report which has been presented by a Commission appointed by the Government and which is going to be considered by the Government, whatever may be your objections by way of direct attack. Nor am I going to question the composition of the Commission, the qualifications of the Members of the Commission or the character of the Indian Members of the Commission. I have no doubt that the qualifications of the Members of the Commission were quite as good as those of any Members of this Assembly, and I am free to acknowledge that they approached the problem in a spirit of fairness and with a desire to solve the questions in the best manner possible and according to their best lights. Now it has been asked what were their qualifications, what was their character ? I very much doubt whether a stormy political life is a guarantee of sound judgment or even of character. Sir, I will indicate my conclusions in a brief way. I am not for the wholesale rejection of the recommendations of the Commission, and I do not desire the disappearance of the British element from the Services. I am prepared to give a sympathetic ear to their grievances and afford such means as the circumstances of the case and of the country may require and permit. Now, Sir, there is an intimate connection undoubtedly between the question of the organization of the Services and the question of the constitutional reforms. Undoubtedly there is a connection. But I for one do not wish to raise that question of constitutional reforms at this stage or by way of a condition precedent to the consideration of the various questions which arise upon this Report. We all know that this question of constitutional reforms must come up in the near future and that will be the time when we shall have to consider those questions. I desire as far as possible to deal with the questions raised by this Report free of any other question with which they may be intermingled but not oblivious of the probability of constitutional changes in the near future. Sir, the only point which I think it is necessary for this House to insist upon is that any conclusion that we may arrive at with regard to the questions arising out of this Report should in no way prejudice the consideration or the decision of those constitutional changes ; and I am quite sure that the Members of the Treasury Bench opposite will agree with me in that expression of view.

Sir, the main questions which arise out of this Report are those relating to the recruitment of the Services and the financial relief to be afforded to the Services. I do not propose to deal at length with

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the various topics arising out of this Report ; and I shall endeavour to condense my remarks as much as possible upon these two problems. Now, Sir, with regard to the question of recruitment, my conclusion happens to be the same as that of the school represented by my friend, the learned Pandit. But I have arrived at my conclusion by a different route altogether, from another point of view. I will first of all take the reserved Services which are most important for this purpose. The number of reserved Services is four : the Civil Service, the Police, the Forest and the Engineers. Now, before I go into this question of recruitment, I should like to keep clear of the two non-security Services, the Forest Service and the Engineer Service which may encumber the consideration of the Report. I see no reason whatever why these two Services should not be transferred like the other Services which have been transferred. It may be said that these two subjects have not been transferred and that the two Services should not therefore be transferred. But there is no insuperable obstacle to the transfer of these two subjects as well. In the province of Burma we know that Forests has been reserved, and I am not aware that there is any province in India which has more valuable forests than Burma ; and if the provincialization or transfer of the Forest Service in Burma can be contemplated with equanimity, if it can be contemplated with equanimity in Burma, I do not see any reason why it should not be treated in the same way in the other provinces like Madras, Bengal and the United Provinces.

It seems to me puerile to suggest that, if the Forest Services were transferred, the importance of the preservation of forests would be overlooked or not properly appreciated, and that the vital interests of the country at large would suffer. Take again, Sir, the question of the Indian Engineers. In several provinces the Roads and Works Branch has been transferred. There is no reason why the Irrigation Branch also should not be transferred. What is the plea in answer to this ? That if for instance owing to mismanagement the canals were not properly looked after and water not laid on in time, there might be terrible disaster and calamity in the country. But can any sane person believe that the agency which will look after this Service, if it is transferred, is not competent enough to look after the maintenance or construction of canals or that it will not have sufficient regard to the importance of this work ? I consider, Sir, that there is no valid reason for the retention of these two Services as reserved fields.

Now, Sir, passing from these two Services, I come to the Indian Civil Service and the Police—the two security Services. My own opinion is that they should remain All-India Services. I am not in favour of the provincialisation of these two Services ; but it does not follow from that that the recruitment which is now going on should be continued. Let me come at once to this question. What are the considerations which should govern the determination of this problem of recruitment ? In the first place, let me revert to the test which was referred to by the Honourable the Home Member. What is the essential minimum of the British element necessary for the purposes of the Indian Civil Service in the interests of law and order ? Now I refuse to believe that anyone could suggest that a minimum of more than 50 per cent. is necessary. Whether 50 per cent. is necessary in my opinion is another matter ; but what I do submit is that you cannot very well say that a minimum of more than 50 per cent. is necessary. Taking my own province of Madras

I believe the Madras Government have expressed their view that they would be quite content to go on with 50 out of 148 posts given assigned to the British element. No doubt Madras is in this respect an advanced province. There may be other provinces which cannot be equally advanced and perhaps the percentage may have to be raised a bit in those provinces but making all these allowances, leaving out for the present the backward province of Burma, a remark which perhaps will be resented by my friend, Maung Kun, leaving aside Burma and perhaps the North-West Frontier Province, can you say that a minimum of more than 50 per cent. is necessary for the purpose of the Indian Civil Service ?

Now, Sir, the purposes which we have necessarily to bear in mind in considering this question of recruitment are the maintenance of the present standard of efficiency and integrity—an object to which every sane Indian must attach the highest importance and to which I give full recognition. The second object which we must have in view in considering the question of the organisation of the Service is how far does it tend to foster and develop the administrative faculties of the people. The second is a consideration which to some extent must act as a counterpoise to the first consideration. Now, having regard to these two considerations, can we really say that more than 50 per cent. of the British element is necessary ? And granting that a minimum of 50 per cent. is necessary, when are we likely to attain it ? Now the Lee Commission contemplates that it may take 15 years with a recruitment at the rate of 60 per cent. Indian and 40 per cent. English ; and the Honourable the Home Member was somewhat astonished at the progress we had made recently in the Indianisation of the Services. He asked us to look back on past history. Now according to the figures supplied by him yesterday, out of 1,000 Civil Service officers, 38 were Indians. In 1913, 66 were Indians. In 1924, out of 1,220 officers 164 were Indians, that is, about one-eighth. Well that is not to my mind so astonishing a rate of progress. Now this minimum of 50 per cent. to which I have referred as a hypothetical minimum, as probably the hypothetical limit or the minimum which may be desirable—that I say is desirable for other reasons as well. The Lee Commission themselves admit that in the interests of the spirit of camaraderie, in the interests of the development of an equal sense of responsibility, it is desirable to attain this equality in the cadre of the Civil Service as early as possible—a proposition on which I have not yet heard a note of dissent from the treasury Bench. Now if that is desirable, the question is how soon should it be attained ? Is there any reason why it should not be attained as early as possible ? It is perhaps merely a breach of an open secret if I say that in the famous O'Donnell Circular it was stated, as I have heard it said, that, even if English recruitment were stopped this moment, it would take 10 or 12 years before complete equality was attained. And I say if it will take 10 years to attain complete equality even on the basis of a complete stoppage of recruitment, then it is not necessary for us to go further and provide for any further recruitment—at any rate during the next 10 years. Now in matters of this kind I claim somewhat of the British characteristic of being a practical politician in refusing to look long ahead. It is quite sufficient for us if we look to the progress of events during the next 10 years. Constitutional changes are impending and must come. Let us not waste our time in considering whether they will come as soon as the learned Pandit on this side wants, or whether they

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will come in 1929 as provided by the Statute. Certainly within a period of 10 or 15 years it may be, constitutional changes are inevitable ; and if they are inevitable, I ask, is it fair to English recruits themselves to ask them to enter the Service with this cloud of uncertainty hanging over them and come out on trial to this country ; or to ask us that, in order to dispel the apprehensions caused by this cloud of uncertainty, they should be offered special attractions in the way of premature retirement on proportionate pensions and various other means ? I am not now dealing with the claims of the present members of the Service to relief. Now I say under these circumstances it is neither fair to your English recruits nor fair to the interests of this country to go on recruiting further before we are yet in sight of the attainment of equality between the two cadres. These are my reasons for not advocating the continuance of recruitment.

I just want to refer—I have my eye on the clock, Sir—I only want to refer to one or two arguments against the stoppage of recruitment which have been used by its opponents. One is that once you stop recruitment it cannot be revived. I am not disposed to say there is no force in that argument. I am always ready to admit whatever force there is in the arguments of my opponents and to make allowance for them. There is some difficulty undoubtedly; but the British element will be at greater strength than 50 per cent. for the next 10 years, and those who enter the Service and become senior officers will continue for a period of 25 years or at any rate 22 years, let us say—at any rate to enable them to earn a decent pension. Now there seems to me to be no likelihood of any catastrophe happening if the recruitment is stopped, say for the next 10 years. If, however, the country were going to be plunged into those conditions of chaos and disorder which the imagination of some has conjured up as the only too probable result in the future if there is a stoppage of recruitment, I think the country will probably in that state of things invite the outsider to come and help it, as it has oftener than once done in the past. I do not believe that there is such an insuperable difficulty and I do not believe that the necessity will arise for considering the question.

Then, Sir, another argument is brought forward. Even supposing that it is possible to revive recruitment, there will be a gap in the British official hierarchy—at one stage there will be a number of seniors without a number of junior officers and by the time these junior officers grow up to be seniors there will be no senior officers left and they will all be Indians. If the British and Indian officers are there, imbued with the traditions of the Service and if they can co-operate as they are likely to do, there is no great harm done by the Indian officer having his turn of seniority after the long spell of seniority which has been enjoyed by the English officers. It does not seem to me to portend any great administrative catastrophe. Sir, these are my reasons for advocating a stoppage of recruitment for the present, because I consider it essential that there should be equality between the two elements attained as soon as possible in the cadre of the Service and the continuance of recruitment will merely put off the time to a long period.

Then, Sir, I shall pass on to another Service, namely, the Medical Service. My Honourable friend, the Member in charge of Education, dealt at considerable length with this question. There are these points to be

considered in connection with the Medical Service and the proposals of the Lee Commission. The first proposition which they put forward is that the needs of the Army—the needs of the British and Indian units—should be served by the same organisation. That is a proposition to which with all my effort I cannot reconcile myself. The less room allowed for the interference of the War Office and for the interference of the British authorities, the better for this country. The R. A. M. C. has never been appreciative of the claims of Indians to enter its ranks. I make no complaint; it says it is for a British unit; I have no legal right, though perhaps some people might be disposed to base a claim on the ground of our payment for those Services. I do not wish to enter any such claim; but the R. A. M. C. which was run by the British authorities has never hitherto opened its portals to Indians; and is there the least chance that if the R. A. M. C. in India, as proposed by the Lee Commission, subserves the needs of both the British Army and the Indian Army the claims of Indians will be generously recognised ? I refuse to believe it, and the ground for my refusal is my experience of the past management of these matters by the War Office. That is one of the considerations; and another consideration I may mention in this connection is that the presence of the R.A.M.C. in India is in my opinion a factor which should steadily diminish. I look forward to the day when the presence of British units will be less and less necessary and I look forward to the day when the presence of the R. A. M. C. will consequentially be less and less necessary. I do not wish our medical organisation to be tied up in any way with the organisation of the British medical units and our progress in Indianisation or in the matter of any reforms to be hampered by this unfortunate, and as I should call it deplorable, alliance between the two branches. To the first recommendation therefore I am entirely opposed, heart and soul. The next recommendation is that the Civil Medical Service should be provincialised—that there should be a separate Civil Medical Service. The need for a separate Civil Medical Service has been frequently urged and is recognised in General Burtchaell's note; and however much I may disagree with it in other respects, I agree with it in this respect; it has been adopted by the Commission and I shall not therefore waste my breath on that point. The only question is this: if there is to be a Civil Medical Service, the question whether it is to be a provincial or All-India Service does not to my mind seem to be of very great importance. The great apprehension in the minds of many of my friends with regard to these All-India Services is this exercise of the power of control by the Secretary of State. If they can be assured that the power of control will be vested in the hands of the Government of India, I believe that the objections of many of my friends will disappear. However that is a question that I do not propose to discuss now. I accept the recommendation of the Commission in this respect.

The next question is, in this provincial medical organisation what are the conditions with which the Lee Commission has coupled its recommendation. The conditions are reproduced in the Resolution of my Honourable friend, Sir Alexander Muddiman, that they must serve two or three purposes; there must be provision for a military reserve and there must be provision for facilities for the attendance on British officers by medical men of their own race. Those are the two conditions. My Honourable friend, Sir Narasimha Sarma, dwelt upon this first aspect of the question in great detail. Now, I recognise at once the need for a

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military reserve—I grant it; but then the question is, shou'd the military reserve be formed only out of the I. M. S.? Is it not possible to build it up otherwise? The I. M. S., if you look at its past, has not been found to be so very well-fitted for administrative duties in the field as the R. A. M. C. That was the deliberate opinion of the Esher Committee in their Report. The thing is they get out of touch with military duties; they are not kept in the same state of efficiency as the R. A. M. C., and they get so fond of civil work that most of them are unwilling to go back. Now my proposal as contained in my amendment is that all the members of the Civil Medical Service should be compelled to undergo a period of training—not in the Territorial Force, not in the Auxiliary Force, but in the regular army. Send them there for a couple of years—two or three years—whatever the period may be—I am not particular; I will leave that to my expert friends to arrange. Let them be compelled to serve a certain period of training in the Army. I have no doubt that they will prove quite capable of undertaking the duties which are now discharged by military reserve officers in the I. M. S.

3 P.M.

Then, Sir, the next question is this—with regard to medical attendance on officers. I for one recognise the naturalness of this desire on the part of British officers. Whether they have a legal claim or not is another matter. If they have not the legal claim, they have the fact of actual attendance by British officers. But, since the war, conditions have greatly changed and there have been many situations where the Civil Surgeon's post has been held by an Indian. We have known cases where Indian officers have discharged their duties to the satisfaction of their patients. As I have said, I do not forget the naturalness of the desire but the question which I would put is this. Is it reasonable—put yourselves in a detached position—is it reasonable that the whole basis of organisation of any particular Service in the country should be adapted to the needs not of the population at large but of a few scattered individuals here and there, perhaps half a dozen individuals in a district and so on. Is it right, is it reasonable, that the whole organisation should be adapted to their requirements, however natural, however much they may be entitled to our sympathy—to the requirements of a few scattered officers living here and there? It seems to me that, without in any way flouting this desire or making light of it, there is a great deal to be said against basing the whole framework of your Service upon the recognition of this. On the other hand, I have made a suggestion in the amendment which is on the table to the effect that a certain proportion of the civil posts might be reserved for officers of the I. M. S. and that recruitment might take place accordingly for the whole number of I. M. S. posts required for the Army and Civil. I know that many of my friends here have accused me of having a soft corner in my heart for my English friends. I do not mind that imputation, speaking for myself, and I do not mind some provision being made. But the question, of course, is to what extent it is necessary. The more reasonable, the smaller the limits, the better.

Then there is.....

Mr. President: I must ask the Honourable Member to bring his remarks to a close.

Sir P. S. Sivaswamy Aiyer: The next matter that I would suggest is this: that with regard to the various education and professorial and scientific chairs and so on, they should be thrown open to the best talent

wherever it may be found. Instead of appointments being regarded as the preserves of any particular Service, these appointments in particular ought to be regarded as available to the best talent in the world wherever you can get it. And while I am ready to acknowledge the distinguished attainments of I. M. S. officers in the past, while I am ready to acknowledge the services they have rendered to the country not only in the obvious and private capacity of administering to the country, but also in developing a proper standard of teaching, I do not think that one result of the present organisation has been to train the Indian for research and for higher medical work. These are the reasons which underlie my propositions in regard to the Indian Medical Service. I have only one word, Sir, with regard to the financial question.

Mr. President : I have allowed the Honourable Member a great deal of latitude already. He promised me that he would keep his eye on the clock.

Sir P. S. Sivaswamy Aiyer : I have only to say this with regard to the question of financial relief which I do consider important. I do not think it fair to put off the Services by reference to some other person or body. While I say that the findings of this Committee will not absolve the House from the responsibility of coming to its own conclusions and while they are not absolutely binding upon this House, I do think that greater moral weight attaches to the results of the examination of the question by that body. As regards rise in prices, which of us can honestly say that prices have not risen so that we have not suffered by it or that we had not found it difficult to make both ends meet. I believe that many of the members of the Services are in great straits and that they are hard put to it to make both ends meet. Many of them are in embarrassed circumstances, as pointed out by the Lee Commission Report. It has been said that they have a higher standard of living. Granted for the sake of argument that it is exceedingly difficult for a man who has adopted a certain standard to reduce that standard of living, everybody has been accustomed to a particular standard so much so that that standard has been adopted by the Indian as well and it has become equally necessary to him. Under these circumstances, I think that the question of financial relief ought not to be put off and the only relief I would suggest is that contained in certain paragraphs of my amendment. If you will allow me, Sir, I will read them.

Mr. President: Honourable Members will observe that I have allowed a considerable degree of latitude, on account of the magnitude and difficulty of the subject, to those speakers who opened the debate. I must warn Honourable Members in future that, if I allow any latitude and they abuse it, I shall have to use the powers of the Chair to the full.

Mr. E. Burdon (Army Secretary) : Sir, I had not intended to attempt to gain a hearing in this debate. When the debate commenced, it seemed to me—and I am still of the same opinion—that the discussion of individual questions of military medical organisation would only serve to divert attention from the central issues which the House is engaged in considering. But certain statements have been made and certain opinions have been advanced by previous speakers which makes it necessary that I should say a very few words, for the purpose of removing any possibility of misunderstanding and of clearing out of the way what I consider to be certain extraneous matters.

In the first place, Sir, I have heard severe condemnation expressed of the proposal to constitute a Royal Army Medical Corps (India) under a

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scheme which was referred to by the Royal Commission. Now, Sir, the question of the structure of the military medical organisation was plainly outside the terms of reference to the Royal Commission, and the Government of India have kept the same question apart from their consideration of the Royal Commission's Report. They have (I wish to emphasize this) arrived at no conclusion whatsoever in regard to the matter. They have not yet considered it. While, therefore, I do not propose on the present occasion to contest or examine any proposition that has been advanced, I can assure the House that the observations which have been made in regard to this particular matter will receive very careful attention from Government.

Now, Sir, the same considerations apply very much to the details of the structure of the military medical reserve that may be required. No detailed conclusion has been arrived at as to how this should be constituted in the event of the Civil Medical Services being provincialised.

I had intended to make certain observations regarding the necessity of having a military reserve and the necessity in particular of having a trained reserve. But after what my Honourable friend Sir Sivaswamy Aiyer has said on this subject I do not think I need trouble the House except with a very few remarks indeed. Sir Sivaswamy Aiyer has acknowledged that there must be a military reserve of medical officers. The necessity of course flows from the fact that India has a land frontier of five thousand miles and from the conditions which obtain along that land frontier. These are the circumstances which have led to the Army in India being maintained practically at all times on an active service basis, a fact with which every Honourable Member in this House is perfectly well acquainted. The necessity of a military medical reserve is purely consequential. The necessity of a trained reserve need not be further elucidated after what Sir Sivaswamy Aiyer has said. It is plain that it would not be an efficient arrangement to transfer a civil medical practitioner, who has had no practical experience of military organisation or of military medical organisation to be in charge, let us say, of a field ambulance in frontier warfare.

There is another feature of our existing military medical organisation which has been severely condemned. I am referring here to the Station Hospital system and to the observations made on the subject by Colonel Gidney. Well, Sir, I should like very much to know what substitute Colonel Gidney would propose for the Station Hospital system. I should like to hear his views but on some other occasion and not on this. What system could be substituted which would provide an equally efficient medical organisation, not merely for peace time but also for war ? What the Station Hospital system is, what purpose it serves, what its merits are, are very clearly stated in a book called " The Army in India and its Evolution " which my Department produced only a few months ago and which I sincerely hope every Honourable Member of this House, who proposes to discuss military matters, either has read or will read. Now, Sir, I do not propose to follow my Honourable friend, Colonel Gidney, into the precise figures which he quoted, but in answer to the general tenor of the charges which he brought against the Army Medical administration I think it is desirable that I should inform the House that in pursuance of the recommendations of the Incheape Committee reduction has been constantly going on, ever since that Committee reported, not only in the number of medical officers employed in the Military administration but also in the number of hospital

beds. Reduction is going on below standards which the medical authorities, if left to themselves, would consider to be desirable.

Pandit Shamlal Nehru (Meerut Division : Non-Muhammadan Rural) : Would the Honourable Member give us an idea of the reduction of numbers ?

Mr. E. Burdon : In 1924 a reduction of 4,117 hospital beds, British and Indian, was effected, and further reductions are contemplated. Again, in 1914, there were 334 R. A. M. C. officers employed in this country. At the present moment there are 333, a number which will be reduced to 302 by the end of the next month. A further reduction to 282 is intended to be carried out during the next financial year. The number of Indian Medical Service officers in military employment has increased. It has increased from 281 in 1914 to 477 at the present day. But in this case also, reductions are contemplated in pursuance of the Inchcape Committee's recommendations. The cadre has been fixed at 402, and reduction will be effected by wastage in the course of this and the next financial years. Any further details regarding the expenditure on the military medical services might, I suggest, be more conveniently placed before this House on a more appropriate occasion, say when we are discussing the Budget.

There is only one other matter to which I desire to refer, and that is, the observation which my Honourable friend, Colonel Gidney, permitted himself to make regarding Lieutenant-General Sir Charles Burtchaell, formerly Director of Medical Services in India. If I understood my Honourable friend correctly, the purport of his observations was to disparage both General Burtchaell's efficiency and his *bona fides* as a servant of the Government of India. Sir, it appeared to me to be contrary to all tradition, and to be regrettable, that a charge of this kind should be brought against a distinguished officer of the Royal Army Medical Corps by a senior officer of the sister service. Sir Charles Burtchaell is no longer in India to defend himself against attacks from which, I venture to say, his exceptionally distinguished services in the great war should have availed to protect him. If General Burtchaell were here, he would need no assistance from me. He could defend himself very adequately. But when I come to analyse it, the *gravamen* of the charge brought against General Burtchaell amounts to this, that in his departmental capacity, throughout his service in India, he endeavoured to secure for Indian troops the same degree of medical care and attention which for many years had been given to British troops.

Diwan Bahadur T. Rangachariar : Sir, I fully recognise the importance of the occasion and also the great self-restraint one has to exercise in dealing with the questions before this Assembly. I am also a plain, practical man and it will be untrue to say that I am not a politician, it will be true to say I am not a tactician or diplomat. I am not accustomed to sugar-coat my pills and I am always accustomed to speak out what is in my mind. I have no less a soft corner for my English friends than my friend to my right, but I have a softer corner for my country and my countrymen. Sir, one main point which has to be kept in mind is the nature of the recommendations. They are interdependent. The main recommendations of the Commission are claimed by the authors of the Report to be interdependent, and no one part can be given effect to without the other part being also given effect to. That was the difficult position in which I found myself when like my friend, Sir Sivaswamy Aiyer, I tried to separate what can be passed and what cannot be passed by this Assembly. I was faced with that

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difficulty and I therefore came to the logical conclusion which my Honourable friend, Sir Sivaswamy Aiyer, would not accept, that you have either to accept the whole or reject the whole. There is no question of acceptance in part on their own showing, and it is therefore idle on our part to attempt to separate the milk from the water.

Sir P. S. Sivaswamy Aiyer : The Government of India have not accepted the whole.

Diwan Bahadur T. Rangachariar : Sir, it is said that the Government of India have not accepted the whole. Here again I am in this unfortunate position. What useful purpose we are serving by this debate, I have been trying to cogitate and consider. The Government of India have taken upon themselves to follow the example of that noble Lord who presided over this Commission to claim for its verdict, to elevate its verdict to that of a juryman. And in the House of Lords he took the undue position—I should say a position which he should not have taken, namely, " We have delivered our verdict," and he asked the Judge, the Judge being His Majesty's Government at home, to pass a decree in accordance with that verdict. And I am surprised to see that my Honourable friend, the Leader of the House, has also accorded that position to this Commission. If that is the position accorded to this Commission, what is the object of this debate ? Are you merely redeeming the pledge of giving us an opportunity to discuss like children, " Play with your doll as you like. We are not going to attach any importance to what you say. The verdict has been given. It only remains for us to pass a decree in accordance with that verdict." Then why go through this farce of discussion in this Assembly ? Sir, I do not believe that the British Cabinet, as it is now constituted, is at all of that opinion. I am willing to believe that when they gave us this opportunity to discuss the merits of this Report they intend and genuinely intend to be informed and instructed and influenced in their dealing with this Report by the discussion which may take place here. Sir, unfortunately, I am sorry to say, the Government of India here are not in that fortunate position. They have committed themselves to accepting the recommendations of the Commission elevating its report to the position of a verdict of a jury, which they had no business to do. (*A Voice* : " Who said so ? ")

What is the financial effect of these recommendations ? It is adding a recurring burden of 1¼ crores to the already overburdened finances of this country. Now, how can any Government justify its position and say, " We will not examine the materials on which the Royal Commission came to its conclusions. We are willing to be insulted by the Royal Commission. They will take the materials home and deal and deliver them to the Secretary of State. The Government of India are not anxious to look at the materials on which the Royal Commission came to its conclusions. We are prepared to elevate it to the verdict of a jury." If that is the responsibility, if that is the sense of responsibility of the Government of India in adding an additional burden of 1¼ crores (*A Voice* : " 2 crores.")—I beg your pardon, 1¼ crores—to the financial burdens of this country, I cannot but express my pity for such a Government. Sir, we on our part owe a responsibility to our constituencies. We on our part have to recognise what is the financial position of this country, and therefore it is our duty to exercise the utmost care in

examining, in scrutinising every item, every pie of expenditure which may be added to the financial burdens of this country. Otherwise, we will be failing in our duty. Therefore, I feel it is idle to ask this Assembly to pass a verdict on the proposals without placing the materials before us. We cannot blindly accept the verdict of these gentlemen, however eminent they may be, for God has blessed us with some intelligence, and we ought to exercise that intelligence to the best of our lights for the benefit of our country. We deny that intelligence, fairness, justice and capacity are only confined to these gentlemen who formed the Royal Commission. It is in that view that I approach the consideration of this question. Looking at it from that point of view, let me consider what was the financial position. In 1923-24, Sir, from the Central revenues alone I find that the total staff increased by 10 per cent., from what it was in 1913-14, whereas the pay and allowances increased by 101 per cent. Take the Civil Services alone. The total staff increased by 21.3 per cent. in the same period whereas the cost in pay and emoluments increased by 103.7 per cent. Take the officers alone. The increase in staff was 16.3 per cent, whereas the cost of pay and emoluments increased by 56.2 per cent.

The Honourable Mr. A. C. Chatterjee (Industries Member) : Are you quoting the figures for the Superior Civil Services only ?

Diwan Bahadur T. Rangachariar : I am quoting from the Report of the Indian Retrenchment Committee.

The Honourable Sir Basil Blackett (Finance Member) : This has nothing to do with the Superior Civil Services.

Diwan Bahadur T. Rangachariar : They embrace the Superior Civil Services, and I think the officers are almost all of them in the Superior Civil Services. In 1913-14 the Civil Services from the Central revenues cost us 6.75 crores. In 1923-24 it mounted up to 13.75 crores. The total of pay and allowances from the Central revenues in 1913-14 was 20.2 crores, whereas in 1923-24 the pay and allowances alone mounted up to 40.74 crores, the total increase being 20.54 crores. I am now willing to present to my Honourable friend, the Finance Member, the cost of the Superior Services, about which he is anxious. The Superior Services in 1917 cost the country 572 lakhs, 98 thousand and odd. Now, after the revisions made between the years 1919 to 1920 they mounted up to 6.67 crores, an increase of 1.15 crores.

The Honourable Sir Basil Blackett : What is the percentage of increase ?

Diwan Bahadur T. Rangachariar : Now, the revision, the re-revision, the re-re-revision which were made in connection with all these All-India Services in 1919-1920, when the prices reached the high water mark, were made by the Government of India in consultation with the Secretary of State who took all these factors into consideration—the difficulties of recruitment, the high rise in prices since the Public Service Commission had reported, and all the various other factors were taken into account in 1920 mostly. The Government of India and the Secretary of State considered these points and revised the pay of all these Superior Services and their allowances, and the net result of that was an addition of 1.15 crores to the expenditure. Now, this Commission is made to sit in judgment over that decision, which was come to in 1919-1920, and asks us to increase the burden by another 1.25 crores.

[Diwan Bahadur T. Rangachariar.]

Sir, is that not an occasion when we should examine the position carefully ? It is said that the prices have gone up since 1914. But they had gone up in 1920 when the Government of India—no doubt my Honourable friend the Leader was not then a Member of the Government—they had gone up in 1920 to the highest point. I will give you the figures. In 1920 the index of the cost of living showed 183 compared with 100 in 1914—the highest point 193 was reached in that year. Since then it is steadily falling. (*The Honourable Sir Charles Innes* : " What about exchange ? ") In the next year, 1921, the average was 173. In the next year, 1922, it was 164. In the next year, 1923, it was 154 and to-day, Sir, as I see from the Labour Gazette, it is 150 or 152.

The Honourable Sir Basil Blackett : Are they wholesale prices ?

The Honourable Sir Charles Innes (Commerce Member) : What about exchange ?

Diwan Bahadur T. Rangachariar : I will come to that.

The Honourable Mr. A. C. Chatterjee : That does not represent the cost of living of Europeans.

Diwan Bahadur T. Rangachariar : If my Honourable friend, Mr. Chatterjee, will possess his soul in patience I will deal with that point. This Labour Gazette has taken the trouble to compile such figures from 1922 or 1923, I forget which. What do I find ? Taking the cost of European articles, that is, articles of food in October 1920 when these revisions were made, it stood at 207 and to-day it stands at 180. Fuel and lighting stood in October 1920 at 159. To-day they stand at 120. Take articles of clothing. They stood at 249 and my Honourable friend, Mr. Chatterjee, may be enlightened to hear that they stand at 180 to-day. Now as regards household articles consumed by Europeans, they stood in October 1920 at 168. To-day they stand at 125. Taking other articles, they stood at 220 and to-day they stand at 213. Now, what is it that has gone up ? Rents have gone up in Bombay. Conveyance has gone up in Bombay. Servants have gone up in Bombay. Passages have gone up. School fees have gone up. These are the five items alone which have gone up. Now, Sir, can any one pretend that the Services working in the districts have to pay so much house rent as people in Bombay city have to pay ? Can any one pretend that the Services working in the districts have to employ servants at that costly figure ? Can any one pretend that people in the districts have to pay the same conveyance charges ? I know how district officers are served by the public. I know it from my own experience. Let me not be dragged into a discussion on that. They are served amply. Even witnesses appearing in their courts are made to pull *punkhas*. Now, Sir, it is unnecessary for me to dilate further. Prices have gone up. What did His Majesty the King Emperor do ? He cut down his expenditure on his household. His civil budget was not enhanced by one penny on account of the rise in prices. It continues the same as it was in 1913-14. Of course all of us have to be visited by these visitations, rise in prices, floods, famine, illiteracy, sickness, disease, infant condition of industries and exchange fluctuations. One matter about exchange. Now I have been searching

in vain for the authors for the statement at page 24 of the Report that there was a belief that exchange would remain high. I have got here a whole file of Government orders dealing with this revision of pay in 1919 and 1920. I do not find any reference, any single allusion, to the fact that the revision was based on that assumption, though it would be a very foolish assumption to make, knowing how exchange varies in this country, that 2*s.* to the rupee was ever promised either remotely or otherwise. Perhaps some Honourable Member will enlighten me The only authority for this is this. One Secretary of State is responsible for this revision in 1920. That Secretary of State disappeared in March 1922 and another Under Secretary of State in July 1922 states that these revisions were based on the expectation that 2*s.* will continue, though it was not a definite promise. If that is the only authority, I am not inclined to attach as much respect to it as I should to a contemporaneous statement either published to the officers or even mentioned in the orders making the revision. Now, may I ask what happened when the exchange rose to 2*s.* 9*d.* and 2*s.* 10*d* ?

The Honourable Sir Basil Blackett : How long ago was it ?

Diwan Bahadur T. Rangachariar : A year. (*A Voice* : "Two months.") Exactly, that is my point. Did any sane man expect that these high rates would continue ? If he did, I will challenge him to stand up and say so.

The Honourable Sir Basil Blackett : What about Bombay merchants who refused to pay ?

Diwan Bahadur T. Rangachariar : They were in a tight corner. Now, what I was emphasising was this, that while I am willing to give all respect to this Commission they have not condescended to follow up their conclusions with reasons. They think they are merely registering decrees. I am willing to admit, there is a *prima facie* case for benefiting the Services, but where have the Commission considered this steady fall in prices since 1920 ? On the other hand, they lead the reader to fall under the impression that the revision of 1919-20 did not take note of the rise in prices since 1914. They talk of the period 1914—23, but where do they draw attention to the fact that the Government of India and the Secretary of State took note of the rise in prices between 1914 and 1920 ? On the other hand, they talk of the full period of 1914—1923 and again have they given us the benefit of their examination as to what the Crown Colony in our neighbourhood has done in order to meet the awkward situation ? We have got a small Colony in our neighbourhood, Ceylon. What have they done in this connection ? What did the Malay States do ? Have they proposed to increase the salaries in the same way ? They are also affected in the same way as we are. They have never thought of these matters. There is no evidence of their having done so and I therefore think there is a case for further examination. While I am willing to give weight to the recommendations of the Commission, I am not willing to accept them as conclusive. I want a further examination. Now the Honourable Sir Charles Innes told us yesterday that he is not prepared to accept a Committee of this House. What else is he prepared to accept ? He would not examine the case himself. He would not allow others to examine it. He asked us to blindly accept the verdict of the Commission. Is that what the Secretary of State wants ? Does he want a blind acceptance or a blind rejection ?

[Diwan Bahadur T. Rangachariar.]

The Honourable Sir Alexander Muddiman (Home Member) : We are asking you to discuss the recommendations.

Diwan Bahadur T. Rangachariar : I am trying to show that, so far as the financial aspect is concerned, it requires a thorough re-examination. Great principles are involved in the recommendations to which this country is asked to commit itself. Now, if you are going to provide for every child born, for its education, for its passage, what about the army of Indian servants who are also blessed with a large number of children ? Is the State to undertake an obligation to repatriate them to their homes ? They have also got their homes. Men from Madras come here to serve in the Secretariat, two thousand miles away. I see many of my Madras friends here sitting there in that gallery. I am glad to see them. They too find it difficult to educate their children. They have to send them to learn Tamil, which is their mother tongue. Is the State to undertake that obligation ? What again about the susceptibilities of my Muhammadan friends who would like to be treated by Muhammadan doctors ? What about my Sikh friends, Sardar Gulab Singh and others ? Do they want Sikh doctors ? And about myself, Sir, I should prefer to be treated by a Brahman doctor, and preferably by a Tengalai Iyengar. And if the State accepts all these responsibilities, where is the limit ? Again Sir, there is a great danger in allowing facilities in the matter of this education abroad. My own experience, having been recently in England, is that the English people are what they are on account of their educational institutions, and we are what we are on account of the educational institutions which these gentlemen have provided for us. You talk of law and order. In England how is law and order maintained ? Not by force, police force or military force, but by education, education of the right type. Where have you given us a single public school like the ones you have in England ? Now I will compel you to keep your children here, educate them here, make public schools ; for that I am prepared to pay so that I may have the advantage of educating my children in them. (*The Honourable Sir Basil Blackett* : "Public schools in England are not created by the Government in England".) I know that. But the people are made by the Government. (*A Voice* : "No, the people made the Government".) That is what encourages neglect of educational institutions in this country. Again, on the question of passages—I am willing to concede that there should be some facilities given, but still the undertaking of an obligation in the shape of passage money is a precedent which you are now creating for the first time. Hitherto passage money was included in the pay. You took it into consideration in giving them their pay and other overseas allowances. Now you want to create a separate liability on account of passages not only for the enhanced rate, but wholesale. That is again a dangerous precedent. As I have already said, the Indian servants would claim trainage fares when they go on leave. How can you with any face deny it to them when you are giving it to other classes ? Railway fares have gone up and the Indian servants are also grumbling because of the expense involved when they wish to go home on leave, when they have to travel a long distance with their families. Many of them on that account cannot avail themselves of the leave which is due to them. So these are questions which require careful consideration They have not been carefully considered by the Commission, and I therefore suggest that some machinery should be devised to go into all

these things more thoroughly than the Royal Commission have done. I do not want to impute anything wilful to the Royal Commission. But I do say, I refuse to surrender my responsibility here and to accept that verdict without further opportunity of examination.

I have a great deal more to say, but I have taken up your time. All I say is that I see no other way than that contained in the recommendation we have made that the whole thing should be re-examined and that such arrangements as may be required now for future recruitment should be merely temporary and provisional pending the further reform of the constitution, and in the meanwhile let the question of the real grievances of my English friends be sympathetically examined, which we are ready to do.

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) : Sir, in all discussions about the fitness of the people of India for self-government we very often hear that the existence of caste and communal differences in this country offer very serious obstacles for the realization of that ideal. But, Sir, since the inauguration of the Government of India Act of 1919 I have always felt that even more serious than the obstacle presented by the existence of these social differences is the existence of a powerfully enthroned vested interests which goes under the name of the Services. That is one of the most serious difficulties with which we have to contend in our struggle for responsible government. When I make this statement that this powerfully enthroned vested interest offers a very serious obstacle I do not mean to cast any aspersion upon the distinguished individuals that compose the Services. My complaint is against the system which, whatever might be the personnel, is bound to present very serious difficulties in the way of the establishment of responsible institutions in this country. As is well known, the Services in this country came to occupy the position which they are occupying at the present day not by their own choice but by force of historical circumstances. In the guise of Services they have existed as a ruling class. With all the sympathy which Mr. Montagu and Lord Chelmsford showed to Indian aspirations, they enhanced the difficulty of the situation by trying to keep aloof this class of the Services by inaugurating a system of safeguards and privileges. In short, by keeping them aloof from the proposed constitutional machinery. And if to-day I ask this House to agree to the amendment of my Honourable leader, Pandit Motilal Nehru, to reject the recommendations of the Royal Commission, it is on this ground, that the acceptance of those recommendations will further enhance and perpetuate those difficulties that have been created. (Hear, hear.) The Royal Commission in their inquiry have taken into consideration only the existing constitution as such. My Honourable friend, Sir Charles Innes, in his speech yesterday remarked that the Commission ought not to be blamed for this. I quite agree with him in what he says. I do not blame the Commission for the limited scope of the inquiry. Unfortunately, Sir, the very terms of reference are fundamentally defective in my view. The Commission were asked to take into consideration three factors in arriving at their conclusions. First, the necessity for maintaining the standard of administration in conformity with the responsibility of the Crown for the Government of India ; secondly, the declared policy of Parliament in respect of the increasing association of Indians in every branch of the administration, and thirdly, the experience now gained by the operation of the Government of India Act, 1919. It is these three considerations that the Commission were asked to take into consideration in arriving at their conclusions. But I have always thought that the most important portion of

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the Preamble to the Government of India Act has been unfortunately omitted in the terms of reference. If I have understood the Preamble to the Government of India Act correctly, the fundamental part of it is when it speaks of the gradual development of self-governing institutions with a view to the realization of responsible government in India. Sir, it is an eloquent testimony of the mentality of the Government of the day that inaugurated this Commission in that they have most tactfully omitted any reference to this declared intention of His Majesty's Government embodied and expressed in an Act of Parliament. If only the Commission had been asked to take into consideration the pledge of the British Parliament and of His Majesty's Government to so work the Indian constitution as to bring about the ultimate realization of responsible government in this country, then the scope of the inquiry of this Commission would have been altogether different and their conclusions might perhaps have been fundamentally different from what they are at present. It is because the terms of reference are fundamentally defective that we in this House find ourselves unable to accept the recommendations as made by this Commission. In paragraph (8) of the Report speaking about the Islington Commission, it is observed :

"It was however impossible to produce a scheme which would fit new circumstances without a complete re-examination of the problem, and the orders which were passed during the year 1919-20 on the recommendations of the Islington Commission suffered from having been passed on an investigation which subsequent events were rendering obsolete."

Sir, my contention is this, that since the terms of reference of this Commission were very restricted, if Government are going to give effect to their recommendations in the year 1924, perhaps in 1925, it might be said that the recommendations of the Lee Commission suffered inevitably from having been based on an investigation which subsequent events rendered obsolete.

My Honourable friend, Pandit Motilal Nehru, very pertinently asked yesterday in his speech what is the principle which underlies the recommendations of the Royal Commission, and he came to the conclusion that he could not find any principle at all. But, Sir, I find one fundamental principle which runs through the whole of the recommendations of the Royal Commission, and that principle is a deep distrust of the Legislatures of this country. At every turn safeguards are sought to be provided for the Services on the supposed ground that the Legislatures of this country, both Provincial and Central, will repudiate their obligations to maintain these Services (*The Honourable Sir Basil Blackett* : "By throwing out the Budgets") ; provisions are proposed for the safeguarding of pensions ; recommendations are made that legal covenants must be entered into not merely for new recruits but for all those now in the Services, and the recommendation is made to make passage allowances, contributions to Provident Funds and remittance privileges non-votable. These go amply to show that the one fundamental idea that underlies the recommendations of the whole Commission is, as I said, a deep distrust of the Legislatures of this country.

After making their recommendations, the Commission speak of "the spirit of compromise which has inspired our agreed conclusion". One might very pertinently ask, what is the spirit of compromise ? Compromise between whom ? Who were the parties to this compromise ? Evidently the parties must be the Indian members of the Commission on the one side and the European members of the Commission on the other side. And what is the compromise ? It is this. The Indian members agree to give

more pay for the European members of the Services and the European members in their turn are prepared to give to the Indians some more posts. That seems to be the compromise that is pervading this whole recommendation. Well, Sir, I can only say that if this is the bargain, it is not a bargain creditable to any of the parties. I thought that the principle of the increasing association of Indians in every branch of the administration had been already recognized by a Statute of Parliament, and that no more bargaining was necessary to put that into practice. Evidently the Act of 1919 enunciated the principle, and the Royal Commission thought it necessary to enter into a bargain to give effect to that declared intention. Apart from that, the Indian members of the Commission, I am afraid, in thinking that they secured a victory in getting more posts for Indians have thoroughly misunderstood and misconceived the demand for Indianisation of the Services by responsible Indian public opinion. Sir, while I do not in the least disparage the importance of the personnel in the Services and the necessity for maintaining a substantial Indian element, at the same time, I must emphatically say that Indianization is not an end by itself ; the demand for Indianization is only made as a means to a greater end. Even if the whole of the Services in India are to be manned by Indians under the existing circumstances and under the same administrative machinery as exists at the present day, responsible Indian public opinion will equally object to the existence of a service under these conditions. So what we ask for is not merely a change in the personnel of the Services. We want the service to be a real service and not a ruling power. The Honourable the Leader of the House very rightly remarked that the Services must be responsible to the authority whose policy it is meant to carry out. The position is no doubt realised by the Commission. But in what way have they tried to give effect to it ? No doubt, in so far as they recommend that all the Services under the departments that have been transferred in the Provinces must be provincialized, they recognize this principle. But in so far as they are perpetuating, with regard to the other administrative branches in the Provinces, the same system that is continuing at the present day, in so far as that is sought to be done, I contend that it is perpetuating the present system which, when the other subjects are transferred in the course of time, will present serious obstacles in the way of administration by Ministers. The invidious distinction that is maintained between All-India and Provincial Services is still sought to be perpetuated. Sir, this distinction came into existence for reasons which do not hold good to-day. The classification of the Services on an All-India basis with recruitment in England was devised originally as a means of keeping the big offices for the European members and the Provincial Service was designed to meet the then limited requirements of the Indian claims. That was the origin of the All-India and Provincial Services. I see that my Honourable friend, Mr. Chatterjee, is shaking his head, but I would like to hear from him what was the basis of this distinction. (*A Voice*: "No other.") But, as I pointed out, the sooner the distinction is done away with, the better will it be for the administrative efficiency of this country. As was observed in the able memorandum presented by the Madras Officers' Association to the Royal Commission, the All-India hall-mark exists only for the purpose of enabling these officers to claim to be appointed, confirmed and dismissed by an extra-provincial authority and to escape effective control either by the Provincial Executive or by the Provincial Legislature. An All-India service with these extraordinary privileges is an anachronism in any system of provincial responsible government and, we would add, is a violation in spirit of the Government of India Act of 1919. Therefore, Sir, in so far

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as no serious and deliberate attempt is made by the Commission to do away with this invidious distinction, I must say that this House cannot find its way to accept its recommendations.

I do not want to go into the question whether the increase in the emoluments of the Services suggested by the Commission is justifiable in the present state of affairs. As my Honourable friend, Diwan Bahadur Rangachariar, pointed out, a revision in the scale of pay of these Services was made only in the year 1919-20, and speaking in a general way we may say that from the year 1920 the tendency of prices has been to decline and not to rise, so that if to-day we are asked to agree to an increase in the emoluments of these Services, we certainly require much greater proofs of their necessity than the *obiter dicta* contained in the recommendations of the Royal Commission. Sir, unfortunately this insistent demand set up by the Services here for increase in their emoluments has engendered a wrong spirit in the minds of even the Indian members of the Services. Some years back when the late Mr. Gokhale wanted the rapid Indianization of the Services, he based the claim on the fact that to have Indians in the Services was cheaper than to have Europeans and that Indians could be satisfied with a lower pay and, as such, we must have more Indians. The Indian members of the Services have, not unjustifiably, put forward their own claims to prove that they also are entitled to get increased emoluments. If the cost of educating their children in England is a heavy burden upon the European members of the Services, are you not to take into consideration the special social structure of India and the joint family system which imposes a heavy burden upon the Indian officer ? If the education of the children of the European officer is a heavy burden, what about the marriage expenses of the daughters of an Indian officer ? The marriage of two daughters perhaps will consume more than the earnings he has put away in the course of his whole career. These arguments are sought to be put forward by Indian officers, and I say this clamour and this agitation has produced a very unhealthy and undesirable atmosphere. But I am not one of those who would refuse to look into the grievances of the Services, if there are any. In fact, my friend, Pandit Motilal Nehru, has made an offer that this House would look into the question if there are real grievances in the Services.

4 P.M.

I am one of those who believe, Sir, that the very foundation of democratic institutions at the present day is the existence of an efficient, well organised, contented and well paid Civil Service. The Honourable Sir Alexander Muddiman quoted Professor Ramsay Muir to show that nine-tenths of the administration in England is carried on by a bureaucracy, and he asked us to swallow that pill. I can only tell the Honourable Member, borrowing the phraseology of Dr. Johnson, that comparisons are odious. Can you imagine the Civil Service of England claiming compensation or solatium for a change in the government of the country ? Can you ever imagine the possibility of the Civil Service in England claiming to retire on proportionate pension if they venture to disagree from the political principles or views of the Government of the day ? But here you have the strange spectacle of the Indian Civil Servant claiming to retire on proportionate pension because he cannot see eye to eye with the political principles and policies of the Ministers in office for the time being. The real fact of the situation is this. In England and in other countries the Civil Service is a Service, but in India the Civil

Service is a ruling class, and that makes all the difference. The Honourable Sir Alexander Muddiman I think needlessly took upon himself to justify the Services on the ground that mercenary motives had been imputed to them. I have a shrewd suspicion that he brought in this reference to the alleged mercenary motives of the Service merely to fit in with the beautiful quotation with which he concluded his speech. Sir, I am confident that no responsible politician in India has for a moment denied the extraordinary sense of duty, the integrity or honesty of purpose with which the Civil servants of India have discharged their duty.

Mr. President : I must ask the Honourable Member to bring his remarks to a close.

Mr. R. K. Shanmukham Chetty : Sir, almost like a machine they have been efficient in the discharge of their duties. But what is wanted to-day of them is not merely the qualities of a machine, in the exhibition of which they have been very successful in the past. They are asked to show more of the human qualities. Here to-day they are face to face with the aspirations of the Indian people towards responsible government—a state of things which has been said to be the consummation of all the services which the Indian Civil Service has rendered in the past ; and the question is—will they as loyally stand for this new policy and be content to serve as they have been able to rule in the past ?

Colonel J. D. Crawford (Bengal : European) : Sir, on this the first occasion as a newly elected Member of this House I desire to make perfectly clear to the Members of this House what my position in this House is. The fact that I was recently an officer under the Government of India and that to-day I stand prepared to support the Government Resolution, with qualifications, may lead some Members of this House to believe that I may be taken therefore practically as a Government Member. I desire to disabuse the minds of the House on that point, because since I retired I have been constantly a critic of the Government policy. As regards my position towards Indian aspirations, as an officer of the Indian Army who has served in the closest contact with Indians in the trenches and in the face of death, I would never under any circumstances be in opposition to the legitimate aspirations of Indians and their country. But I do differ largely in my opinion as to the methods by which progress must be made.

Before turning to the amendment moved by the Honourable the Pandit, I would like to think him for his support to the amendment which stands in my name. If I remember aright, he did say that he objected to the words " in principle " and to the words " approximately ". That is support from an unexpected quarter ; but possibly my point of view is somewhat different from that of the Pandit. Having served in the Government of India, I have seen on several occasions very just and very reasonable demands accepted by the Government of India only to be turned down by the Finance Department whose only principle appears to be to refuse all demands. But I will not deny that, so far as Government servants are concerned, their suspicions are aroused by the indefinite nature of such proposals ; and I was glad to see the Honourable Sir Charles Innes definitely state that the Government did not intend to attach any particular point to the words " in principle ". My object in wanting to move the amendment was to get a definite reply from the Government that they intend not only to accept the general recommendation

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of the Lee Commission's Report " in principle " but to move the Secretary of State to put them into practice.

I would like now to turn definitely to the amendment of the Honourable Mover. I find myself faced with the remark—" Having regard to the following among other facts " ; but on going through those " facts " I say to myself " Surely these are controversial questions and not facts." And that is my feeling in regard to many of my Indian friends—that they are not prepared to give that true consideration that they should to the recognition of realities. I take the first " fact " in the Honourable Pandit's amendment and this I find to be to my mind a half fact :

" That the Royal Commission on the Superior Civil Services in India was appointed and allowed to enter upon its functions in utter disregard of the Resolutions passed by the first Assembly."

Gentlemen, my point of view and the point of view of very many non-official Europeans is that the terms of reference of the Lee Commission went much further than there was any justification for them to go. We understood that the maintenance of a European element in the Services was one of the safeguards under which the Government of India Act was introduced. It was one of the safeguards which we believe is of paramount importance to every minority community in this country. I believe that, in stating that, I will have the support of my Muhammadan friends. The Honourable the Home Member stated that there was a feeling of apprehension amongst Muhammadans. I can say from my own personal knowledge that it is true. They realise that they are backward in education, that their own political organisation is backward and that if the safeguard of the British element in the Service was to be withdrawn to-day, they will have precious little chance of getting their rightful share in the government of the country. I therefore differ from the Honourable Mover of the amendment on the point mentioned in part (*a*) of it ; I do believe very great concessions have been made to this House, the Legislature framed under the Government of India Act, in permitting it to discuss the recommendations of the Lee Report and the safeguard afforded by the European element and I feel that if this House is possessed of the political acumen on which it prides itself, it would to-day accept without reservation all the recommendations of that Commission and that this would form the most telling in fact an irresistible argument for the grant of further powers to this House. (Laughter.) It would mean that we are capable as a civilised body of looking after the welfare and interests of those who may be our servants, that we are prepared to listen to their legitimate grievances and to adjust them and that there is no fear from us that they will not receive in the future every reasonable consideration. I fear, however, that if the House accepts the recommendation of the Honourable Pandit, they will be showing themselves not a civilised body. (Laughter).....

Diwan Bahadur M. Ramachandra Rao (Godavari *cum* Kistna : Non-Muhammadan Rural) : On a point of order, is it open to an Honourable Member to characterise this body in the way in which the Honourable Member who has just spoken has done, namely, that if it accepted the amendment it would not be a civilised body ?

Mr. President : It depends entirely on the definition of civilisation.

Colonel J. D. Crawford : I should like to tell the Honourable Member who asked that question that I am using the remarks of an Indian Member of this House. This House would I believe like to declare that it represents the voice of the peoples of India. On that point I have my doubts ; they undoubtedly do represent to a certain extent the intelligentsia ; but if you want to find—and I believe it is difficult to find—the real voice of the people of India, I think it is to be found in those moments when communal feeling runs high and this fictitious campaign of race hatred is forgotten for the moment and you hear both the Hindu and Muhammadan cry for British troops and British magistrates ; it is to be heard from the depressed classes when they made their representation before the Lee Commission and when they cheered the Prince of Wales ; it should be heard from His Majesty's Commissioned Indian officers of the Indian Army when they refused to serve in an Indianised regiment. (*Mr. Devaki Prasad Sinha* : "And from yourself.") I believe that the real peoples of India do desire to retain a European element in the services. (*Cries of* "No.") I am glad to hear you say that you do not desire it ; but I would point out that some of us differ from that point of view and we are entitled to hold our opinion.

I will now come to part (*i*) of the Honourable Pandit's amendment in which he objects to the fact of the evidence being given in camera before the Commission. I do believe the Honourable Pandit would not himself desire to place the whole of his domestic affairs in front of this House or of the public and I do feel that those officers who were placing their grievances and who were placing their budget in front of the members of the Commission had every right to ask that that Commission should consider in privacy the nature of their evidence. But with the very greatest reluctance I myself will inform the House of the exact position which was mine when I was in the service. I entered the service twenty years ago on, if I remember aright, the magnificent pay of Rs. 212, some odd annas and pies. On the first day I went to draw my pay I discovered a minus quantity. The whole amount had been swallowed up by certain mess bills and regimental subscriptions. From that day onwards I was never able to manage to make my budget meet ; and had it not been for a small windfall about the fifth year of my service, I would have had to seek work elsewhere. Again but for the period of enforced retirement in the trenches in the great war I doubt if I should have lasted ; and when I returned I found the very high rise in prices did not admit of my pay inspite of an increase in the least covering my expenses. Finally I decided, when I got my pension, that there was no purpose to be served in further remaining in Government service. That is my own position ; and I believe that is the position of every other Government servant. During the whole of my service I was enabled, mainly owing to the generosity of my bank, to proceed Home on one occasion in twenty years. I believe that if you prevented an Indian sepoy from visiting his country once every three years you will have a mutiny. I do not believe that the Members of this Assembly are prepared to deny to the European Services the same privileges which they already grant to Indians.

Sir, I would like the Government to understand that the support of the non-official European, as far as I represent him, is given to their

[Colonel J. D. Crawford.]

Resolution on the understanding that they are prepared to put those general recommendations in force in their entirety. We view with very grave misgivings as to the future of India the amount of Indianisation that has been granted by the Lee Commission. But the question has been referred to a Commission in the nature of an umpire and we are not prepared to go back on the decisions of that umpire and like true sportsmen we are prepared to stand by them.

I would add one word as to why I believe India wants Europeans. It is because they are honest, they are efficient and they are impartial. I would remind you that Indians will follow their British officers into the jaws of death without any hesitation—and why ? Because they know those officers are honest and impartial, and I believe that nearly every Indian in his heart believes that the British officers who have served India so well either in the Army or in the Government service are honest and impartial. But if you are to remove once and for all your European Members can you replace them to-day ? I would invite the House to listen to some experiences I went through in Russia where I was detailed for duty as Assistant Food Controller to the Russian Food Controller who was a Communist. Owing to their attack on the Bourgeosie (the middle class) they had removed every man who knew any thing about his job and they put Tom, Dick and Harry into their places to do the job, and, when I became Food Controller, I found that, as a result of the fact that they had not any man who knew how to bring the food, where to find it, how to make it fit for consumption or how to distribute it, the price of bread had risen to Rs. 30 per pound. That is the position which I believe would be reproduced in India to-day were we to withdraw all the men who are qualified at a moment's notice and before we had men prepared to replace them. I value the remark of my Honourable friend, Mr. Rangachariar, because I believe he aims right at the heart of the whole thing. It does not matter what has happened in the past. We have to face the position as it is. He said that we have provided no public schools in India. It is for the Indians to provide those public schools. Train these men to fill these posts and not one European will ever refuse to give a post to the Indian who is qualified first and foremost.

I would like to make a few remarks on the question of the Medical recommendations. I understand the Honourable Sir Narasimha Sarma stated that he was prepared to receive considerations from this House. I do believe that it is reasonable to grant to any man medical attention for his women folk at the hands of his own countrymen. I would not desire to force on Indian ladies medical attendance to which they objected. I do not think that Indians desire to force on Europeans or to deprive Europeans of the right to European medical attendance for their women. I personally have no prejudice and I know there are a large number of Europeans who are prepared to receive medical attendance at the hands of qualified Indians. It is a matter very largely of high qualifications. I have been attended myself by an Indian doctor and I believe there are many Europeans prepared to accept that position. But for those who have a prejudice, I do say that it is a reasonable prejudice and that this House should concede it. I would ask the Government to remember that in making provision for their European officers they should not forget to make provision for specialists, particularly maternity specialists. I would ask them also to remember the Presidency General Hospitals for Europeans

and the possibility of allowing them to remain under European control.

I would like to add one word in support of what Colonel Gidney has said regarding the position of the Anglo-Indian, and I would like to read to the House the remarks of the Bengal Chamber of Commerce on this point :

"With reference to the question of recruitment, it would appear to be necessary to define the position of the Anglo-Indian, or Eurasian, community. Nothing seems to be said in the Report as to this, except that in paragraph 42 (*b*) it is mentioned, in respect of the Imperial Customs Services, that 'recruitment should remain on the present basis, *i.e.*, not less than half the vacancies are to be filled by the appointment in India of statutory natives of India.' Nothing is said as to how statutory natives of India are to obtain admission to the other Services or even as to whether they are eligible at all. But obviously they ought to be included within the term 'Indian,' and the Committee presume that this is the intention of the Commissioners."

I wish to point out that the position of the Anglo-Indian in India, to-day is anomalous. For the purposes of the Auxiliary Force he is to be called a European British subject, but in the ordinary course of law he is denied the rights of a European or an Indian. I do believe that his position should be accurately defined.

Finally, I would ask the House to give this Report its very earnest consideration, because I do believe it is in the best interests of India that we should secure for ourselves a future European element. I would impress upon Government the fact that I do not believe and the non-official European does not believe that the recommendations of the Lee Commission's Report will produce further European recruitment. This House to-day is in fact and in fancy faced with the possibility that European recruitment is dead. I do feel that Government ought to assure those in the country who are of the opinion that the European element is required that, if a position does arise that these recommendations do not bring forth the necessary European recruits to fill the quota, that they will take further steps.

And, lastly, I thank the House for the kind way in which it has listened to me on this my first occasion of addressing it and I do trust that its political acumen will rise to the highest pitch and that this House will definitely state that we are prepared to treat our Services well so that it may justify the demand of this House for a further grant of power later.

Dr. H. S. Gour : Sir, at the risk of being characterised as uncivilised I wish to join issue with my esteemed friend, Colonel Crawford, who has so ably and eloquently pleaded the cause of the non-official Europeans in India. The Honourable the Home Member in his opening remarks wanted this House to accept the Report of the Lee Commission mainly in principle, but Colonel Crawford is prepared even to better the Home Member and wants us to accept the Report in all its details.

Well, Sir, I am not here concerned either with the Honourable the Home Member or with the accredited representative of the European community in Calcutta. I am here concerned with the Report of the Royal Commission which the Government asked us to accept in principle and for that purpose I would ask the Honourable Members of this House to hark back to the genesis of the appointment of this Commission contained in the communiqué of the Government of India. Those of us who were Members of the first Assembly will remember that one of us

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moved for a further advance in the constitutional progress of this country, and at the same time a cry was raised by the All-India Services for increased pay.

Lord Peel in his despatch of the 2nd of November, 1912, dealing with the question of further reforms made the following statement :

"The new constitutional machinery has to be tested in its working as a whole. Changes have been made as a result of the Act of 1919 in the composition, powers and responsibilities, not only of the Legislature but also of the Executive Government. No estimate of the success of the new system would pretend to completeness which was not based upon proof of the capacity of these bodies as now constituted to administer the duties entrusted to them, duties which from the point of view of the public welfare are at least as important as those of the Legislatures, and trustworthy proof of such capacity can only be established by experience of the extent to which the increased association of Indians in the sphere of executive responsibility has justified itself in practice."

Now, Sir, shorn of its verbiage, what does this despatch mean ? It means simply this. The Government of India Act has not been sufficiently long in existence nor has the country tried it for a sufficiently long period to justify a further step in advance.

(At this stage, Mr. President vacated the Chair, which was taken by the Deputy President, Diwan Bahadur T. Rangachariar.)

His Lordship further went on to point out that the question is not merely a question of the Transferred Departments of the Government in the provinces but also a question relating to the Executive Governments of the Provinces and the Central Government. Indians had been associated in the Reserved as well as the Transferred Departments and a long experience was necessary before the Secretary of State would advise Parliament to give further reforms. That was the position of the Secretary of State. Not a month passed before the self-same Secretary of State appointed a Royal Commission and in appointing which he said :

"In view of the experience now gained of the operation of the system of Government established by the Government of India Act in respect of the Superior Services, the Royal Commission is appointed."

In the one case the system had not been sufficiently long tested, but a month later it was said that experience of the system had been so far gained as to justify the appointment of a Royal Commission. Now, Sir, it is in view of these facts that this Assembly objected to the appointment of a Royal Commission, and later on, when the question of its cost came up, the grant was rejected by this Assembly. The Royal Commission was nevertheless appointed, and its Report is before this House. Honourable Members will remember that at the last meeting of this House we asked the occupants of the Treasury Benches to give us copies of the evidence of witnesses examined by the Royal Commissioners, and the Honourable Member promised to consider our suggestion. When speaking on the subject, the Honourable the Home Member has referred to a passage contained in the Report of the Royal Commission in which they refer to the subject of evidence, and the Honourable the Home Member read it in justification for refusing to give this House access to the evidence recorded by them. Colonel Crawford in his speech has also referred to this aspect of the question. I ask the Honourable the Home Member and the Members of this House that if for the sake of argument some evidence was given in camera—and you know that some evidence was given in camera—what was there to prevent the Government giving

us the facts, suppressing the names of the witnesses, so that we may be in possession of the facts and the secrecy which the witnesses had enjoined upon the Royal Commission would be preserved inviolate. That has not been done. The evidence which was given by the witnesses in public has also not been given to us. The Honourable the Home Member says, "Accept this Report upon three grounds. First, look to the personnel of the Royal Commission, secondly remember that their report is unanimous, and thirdly, do not forget that it is a compromise based upon mutual arrangement," to which the Honourable Sir Charles Innes in his speech added that it is a Royal Commission and that therefore this House must treat its report with great sanctity. Now, Sir, while making every allowance for the personnel and nature of the Report this House asks itself one simple question— and I have no doubt that the Honourable the Home Member with his long legal training will be able to answer the question. Supposing a long and voluminous record consisting of oral and documentary evidence and the judgment pronounced thereupon was placed before him and it was proposed to abstract from the record everything except the judgment and ask the Honourable the Home Member to justify that judgment. What would be his answer? I have not the slightest doubt, Sir, that the Honourable the Home Member will say, "Take away this judgment. I cannot pronounce any opinion upon it because you have taken away from me all the evidence and documents upon which this judgment was based" and this would be a perfectly reasonable answer of the Honourable the Home Member to the case I have supposed. And yet he wants this House to accept the Report in principle. In fact, he goes further and asks this House to accept the detailed proposals which he has categorised. Now, Sir, one grave apprehension in the minds of the Honourable Members of this House—and I have no doubt that it is an apprehension universally felt by the people of this country—is that if we accept this Report, it would prejudice and embarrass the reforms, because, it is an axiomatic fact that the question as to what should be the pay and prospects of the Civil Service must depend upon the future political constitution of this country. It is a fact which cannot be denied that the future of the Civil Service is linked and bound up with the future of the reforms, and the question of their pay cannot be determined without determining the nature of the work which they will be called upon to do in the future. I therefore venture to submit, how can any settlement be made regarding the pay and prospects of the Civil Service unless we know what is to be the future constitution of this country?

Then, Sir, turning to the Report itself, one feeling which Members of this House must have in their minds, and a feeling which I share, is how the Indian Civil Service compares with its sister services in England and the Colonies. What nature of relief has been given, say, to the Home Civil Service and what nature of relief has been given to the members of the Colonial Civil Service? If I remember aright, I read so far as the Home Civil Service is concerned, that they have been given temporary bonus based upon index figures, and as the prices fall, that bonus is reduced. Now, Sir, I ask Honourable Members of the Government why a similar system should not have been adopted in this country. The Honourable Mr. Rangachariar has pointed out that the basic pay and the emoluments of the Civil Services which the Royal Commissioners recommend for adoption by the Government of India are not liable to revision even if there is an increasing tendency of falling prices. The recommendations

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of the Royal Commission are therefore inelastic and fixed, whereas the relief given by the Home Government to the English Civil Service is elastic and liable to variation according to the fall in prices.

Mr. Deputy President: May I remind the Honourable Member that his time for finishing is nearing.

Dr. H. S. Gour: I wish also to ask the Honourable the Finance Member how this country will be situated in relation to the demand that is likely to arise on the All-India Services being granted increased emoluments. We have a very large number of officers in the Army in India and we have a very large number of officers in what is known as the uncovenanted civil services. Now, Sir, if you give the higher and better paid servant of the Crown these special privileges and emoluments, would not the lesser paid officials of Government in the Army and in the uncovenanted civil services demand similar privileges? These are questions, Sir, which the Royal Commissioners did not take into consideration. I should like to know what would be the cumulative liability of the people of this country if all these demands were conceded, which I fear will have to be conceded if once the Government of India and the Secretary of State accede to the recommendations of the Lee Commission.

Then, Sir, I should like to ask one more question of the occupants of the Treasury Benches and it is this. In the communiqué, and indeed in the Report of the Royal Commission, it is postulated that the All-India servants in the reserved fields will be subject to the control of the Secretary of State, those employed in the transferred fields being subject to the control of the Local Government. That is a system based upon the present system of Government by diarchy. Now, we, the Members of this House, and the public at large have condemned diarchy and are asking for a further advance in the direction of self-government. What position would the Government take with reference to the existing and future entrants in the Indian Civil and other All-India Services if hereafter the Government and Parliament were to accede to the demand of the people of this country and grant them a larger measure of self-government doing away altogether with the Reserved Departments in the provinces?

Mr. Deputy President: Will the Honourable Member bring his remarks to a close?

Dr. H. S. Gour: On these grounds, Sir, I feel that we are not in a position to decide forthwith on the various questions raised in the Lee Commission's Report, and long before the Home Member tabled his Resolution I had sent in notice of an amendment that the whole question be examined by a Committee of this House. I am glad, Sir, that the Honourable Pandit Motilal Nehru is substantially of the same opinion, and I am therefore glad to support his amendment.

Seth Govind Das (Central Provinces: Landholders): I rise, Sir, to oppose the Resolution of the Honourable Sir Alexander Muddiman and to support the amendment of my Honourable friend, Pandit Motilal Nehru. The reasons that prompt me to oppose this Resolution are twofold. Firstly the question of the Civil Service in the country is inseparably connected with the larger question of constitutional progress of India and it cannot therefore be considered separately without prejudicing the constitutional advance of the country. Secondly, the Lee Commission has been appointed not only without consulting this House, the represen-

tative of the tax-payers, but also against the considered opinion of the country.

I shall not speak here, Sir, at this time on the merits and demerits of the recommendations of the Commission itself, which have been so ably discussed by my Honourable friend, Pandit Motilal Nehru, and others on this side of the House. I shall content myself with the discussion of broad general principles that ought to regulate the relations of the Services to the Legislative Assembly. The Honourable the Home Member in his speech yesterday laid down a very dangerous doctrine in saying that the House should have nothing to do with the organisation, control and discipline of the Services and quoted Professor Ramsay Muir in support of his dictum. Now, Sir, I do not at all agree with his view, and I have the support of such eminent authorities on constitutional law as Dicey and Anson, in saying that Parliament lays down by legislation the conditions under which the Services have to work. Am I to understand, Sir, that theories of Government differ from place to place? It is a general axiom of sound constitutional government that the policy of the State is to be formulated by the Legislature, while the execution of that policy is to be left in the hands of well-chosen, well-trained permanent officials, the Civil Service. Now, Sir, in India unfortunately both the formulation and the execution of policy has been to a large extent entrusted in one and the same hands, the Members of the Civil Service. The reforms of 1919 have, no doubt, introduced some changes in this matter, but still may I be permitted to say, Sir, that the formulation of State policy is to a larger extent determined by the Civil Service in India than anywhere else in the world. *This*, Sir, seems to me the first great point of contrast between the Indian and the Home Civil Service. In the western countries the Services exist exclusively for the benefit of the people, while in India, rightly or wrongly, an impression prevails that the country exists for the benefit of the Services. This impression gathers weight for two reasons, firstly, the higher Civil Services have been almost entirely composed of a foreign element, and secondly, the emoluments of the Services have been quite disproportionate to the payable capacity of the country, though I do not deny that the Services have rendered good work in the past in their own way. But, Sir, no other country in the world, not even the richest like the United States of America or England pays a remuneration to the members of the Civil Services comparable to what India has been paying, and we are now asked to enhance this payment still further, so that it will cost the tax-payer an additional crore of rupees per year at a time when retrenchment is the order of the day the world over. It is curious to see the Government proposing in one and the same breath two different things, namely, retrenchment of the subordinate services and an increase of salaries for the Superior Civil Services. It is difficult to understand the mentality of a Government that wants to reduce the salaries of the subordinate services and proposes at the same time an additional expenditure of a crore of rupees per year on services that are already getting princely salaries. Lala Lajpat Rai, writing in the *Modern Review*, about the year 1917, compared the scale of salaries paid to the Civil Service in the United States of America, Japan, England and India and conclusively proved therein that India is paying more than any other country for its general administration and certainly far more than it can reasonably afford to pay. But, Sir, this state of affairs is inevitable so long as we have a Civil Service composed of men of non-Indian domicile and the

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remedy lies in the complete Indianisation of the services on an Indian scale of pay based on the standard of living in India and in stopping the further recruitment in England except for short-term contracts based upon the law of supply and demand in the open market. But then, Sir, it was urged by my Honourable friend, the Commerce Member, that India cannot get on without the help of the *ma-bap* members of the Indian Civil Service for a long time to come. I submit, Sir, that the present bureaucracy is neither *ma,* nor *bap,* whenever its own or the commercial interests of England are concerned. If it were not so, it would not have levied excise duties as early as 1874 at a time of severe famine in India....

Mr. Deputy President : I am afraid the Honourable Member is straying away from the point before the House.

Seth Govind Das : I shall leave this point and come to another, Sir. The Honourable the Commerce Member also declared that the people of India require personal rule, but, Sir, is not personal rule prevailing even in so-called democracies like the United States of America, France and England according to Lord Bryce ? Have not democracies existed in ancient India long before they were known in Europe, according to the high testimony of the historian, Vincent Smith, himself a distinguished member of the I. C. S., and Havell and others ?

I now come, Sir, to the Honourable Member's third point, namely, that due to communal and caste differences, India requires British members in the Civil Services. May I point out to him, Sir, the fact that under Muhammadan rule, Hindus held the highest appointments including that of the Prime Minister and Commander-in-Chief under Akbar. Now, Sir, during the 150 years of British rule in India, not one single Indian has been appointed by the *ma-bap* Government to any such high positions. Is it not the case even now that in Hyderabad and Kashmir communal differences are less than in British India ?

Now, coming to the financial side of the question, it is a fact, Sir, that India spends far less *per capita* on the nation-building departments, such as education, public health, sanitation and the development of industries, than any other civilised country in the world. The Civil servant, due to the high cost of the civil and military administration of the country of the future, according to Lord Haldane, when he enters the Service, has to take upon himself the triple vow of poverty, anonymity and obedience. I am afraid, Sir, the Indian Civil Service, whatever its other virtues may have been, has never been guilty of this ideal of Civil Service. It has been aggressive, vocal and as far as emoluments go, the best paid service in the world. A word may be said with reference to poverty. By poverty, Sir, I do not mean destitution. There is a technical distinction between the two terms. I do not mean that the Civil servant should not have enough to live on. But I do mean that he should not try to compete with the business world in profits and income. I think the Civil servant should look upon his salary as maintenance adequate to the needs of himself and to bring up his family, if he has one, according to the highest standards of education in the country and that is not always the standard of the business and profit-making world. I do not think, Sir, the Civil servant should aim at salaries which really compete with the income of the business man. Judged from this standpoint the members of the Superior Civil Services in India are already getting more than the same class of men obtain in England or elsewhere. We may roughly take it that the average income of a member of the

Indian Civil Service at the age of 40 is at present £1,600 to £1,700 per year in addition to allowances, pension, etc. Surely very few men of the age of 40 in England make as much as that either in the learned professions, such as law and medicine, engineering or teaching, or in any other profession except business. £2,000 a year at the age of retirement together with a pension of £1,000 a year will hardly be called poverty, or destitution even according to the highest Western standards. Even the Cabinet Ministers in England and America are content with £2,000 a year while in Japan the Prime Minister gets only £1,000 a year.

The Honourable Sir Basil Blackett : I would point out to the Honourable Member that his figures are quite incorrect.

Seth Govind Das : I will prove them later on. I now come to the second point, anonymity. It would be obviously impossible and even disastrous for the Civil servant to pass beyond the stage of obedience (that of carrying on policy, and advising on policy if need be) and to attempt to dictate policy as was alleged to be the case in some provinces (Bihar, the United Provinces, the Punjab, etc.) as that would lead to the worst form of bureaucracy. I think perhaps it is rather important that the extent of the Civil servants' obedience should be known to the public in future, so that they may regard them as truly servants of the nation and not masters. According to the testimony of Sir Sydney Webb, a leading member of the present British Cabinet, it is not uncommon in England for the Civil servant to carry out the Minister's orders such as the drafting of a Bill, though he himself may be opposed to the principles of the Bill proposed by the Minister. In India, unfortunately such obedience is rare (as the Civilian has direct access to the highest executive authority) and here it is, Sir, that the spirit of the Civil Service has to undergo a thorough and radical change. Let us now compare the conditions of the British Colonial and Foreign Civil Services with the Indian Civil Service. The Sudanese and African Civil Services do not certainly pay as highly as the Indian Civil Service. The amenities of life in Africa and the Crown Colonies are not as attractive as in India and West Africa (Nigeria) and Sierra Leone has been described as the "White Man's grave." Though these evils are admitted by Englishmen they are attracting a large number of men from England for service in Africa and I have no doubt, Sir, that India will still continue to draw some of the best men from England, due to its better climate, better pay and better amenities of life. Dr. Gregory in his recent address at Toronto before the British Science Association declared that the white man can live and thrive in the tropics, thus exploding the old theory of the unsuitability of India to Europeans. Many of the hardships felt in India by the British Civil services are fancied and imaginary and the scale of remuneration certainly compensates for the self-imposed exile.

Sir William Beveridge, himself a distinguished *ex*-Civilian of the Home Civil Service, says that members of the Civil Service " must in a very real sense belong to an ' Order ' like the order of St. Francis under a vow ". It would be disastrous if Civil servants gave up the idea of working as hard as they could for their salary, if they gave up that idea for the idea of adjusting their effort to the pay which they are getting. It would be no less disastrous if they were to abandon anonymity for applause; or if they stepped beyond giving advice on policy to try and dictate policy as was alleged to be the case recently in some of the provinces. The future recruits to the Service, whether Indian or European, must have

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this true understanding of the nature of the Service and of its new conditions as a community of service.

Before I conclude, Sir, I wish to point out that the adoption of the recommendations of the Lee Commission would mean the very antithesis of that new spirit in Civil Services the world over and of acute dissatisfaction in India, as it would introduce racial discrimination in the terms of service between Indian and European officers, and of the adoption of a standard of remuneration which not even the richest countries have dared to adopt, and which India, one of the poorest nations in the world, cannot certainly afford, if her nation-building departments are to be properly looked after and if she is to advance on a par with the Western nations in the moral and material development of her people and civilisation.

Lieut.-Colonel H. A. J. Gidney: Sir, I rise to make a personal explanation. The Honourable Mr. Burdon stated that in my speech I made use of certain remarks that belittled, decried and under-valued Sir Charles Burtchaell as a R. A. M. C. officer and a soldier who had performed meritorious service in the Army both in India and in England. Sir, I have not got a copy of my speech with me, but I would be very surprised and pained if I saw in my remarks one word having such an implication. If any word I said conveyed this impression I withdraw it and apologise to Sir Charles Burtchaell. If my memory serves me right, Sir, I judged Sir Charles Burtchaell by his scheme on which the Lee Commission's medical recommendation was based, and taking that I believe I said that he saw medical reforms, as judged by his scheme, through a pair of glasses marked "R. A. M. C." and that he looked upon anything medical trained in India with the brand of inferiority. How these remarks can be considered in the light taken by the Honourable Mr. Burdon I fail to understand. But I repeat, Sir, that if on reading my speech, I find any of my remarks conveyed such an impression, or even a suspicion of it, I gladly and readily now state that I apologise and withdraw them. 5 P.M.

Mr. E. Burdon: Sir, I was not alone in the interpretation which I put upon certain remarks made by the Honourable Member. But of course I am only too glad to accept his assurance that this was not intended.

STATEMENT OF BUSINESS.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I should like to tell the House the course of business for the next week.

On Monday the House will be asked to take into consideration the Indian Soldiers (Litigation) Bill, as passed by the Council of State, the Report of the Select Committee on the Imperial Bank of India (Amendment) Bill, the India Motor Vehicles (Amendment) Bill, as passed by the Council of State, the Bill to amend the Indian Penal Code now known as the Morality Bill, and, if there is time, the Obscene Publications Bill, as passed by the Council of State. Tuesday has been allotted, as Honourable Members are aware, for non-official Bills, and Thursday for non-official Resolutions. Wednesday will be a Government day and we hope to be able to resume the discussion on Sir Charles Innes's Resolution relating to the separation of Railway Finance. On Friday certain supplementary demands will be laid before the Assembly, and it is hoped to find

time to discuss the Reports of the Select Committees on the Indian Merchant Shipping (Amendment) Bill, the Land Customs Bill, and the Provident Funds Bill which has been passed by the Council of State.

Mr. Chaman Lall (West Punjab: Non-Muhammadan): May I ask the Honourable Member if he is prepared to give an extra half day on Saturday ?

The Honourable Sir Alexander Muddiman: For what purpose ?

Mr. Chaman Lall: For the discussion of the Lee Commission's recommendations.

The Honourable Sir Alexander Muddiman: I must see how the debate goes to-morrow before making any promise about it.

The Assembly then adjourned till Eleven of the Clock on Friday, the 12th September, 1924.

LEGISLATIVE ASSEMBLY.

Friday, 12th September, 1924.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

EXERCISE OF THE DISCRETION OF THE CHAIR TO DISPENSE WITH QUESTIONS.

Mr. President : On a previous occasion, when there was a matter of great importance before the House, I used the discretion of the Chair to dispense with questions. This is a case in which we might reasonably follow that precedent, and I think I shall be consulting the interests of the House as a whole if I suggest that we proceed to resume debate on the Lee Commission's Report at once. Members will not thereby lose any opportunity otherwise available to them for asking questions of the Government.

RIOT AT KOHAT.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadan, Urban) : May I, with your permission, ask a question of the Foreign Secretary of which I have given private notice—regarding the riot that happened at Kohat ? Is the Foreign Secretary in a position to make a statement regarding the riot at Kohat ?

Mr. Denys Bray (Foreign Secretary) : A riot broke out between the Hindus and Muhammadans of Kohat about midday on Tuesday. Fire arms were used by the rioters causing several casualties, and parts of the city were fired. The situation quickly grew beyond the power of the police to control, and no time was lost in calling on the military for assistance. A squadron of cavalry and a company of infantry were at once sent to the city. As firing continued, the infantry entered, and, at the request of the Deputy Commissioner, opened fire on men who were firing from the upper windows of the houses. In all nine single shots were fired by the troops. It is not known whether these took effect or not ; but the firing from the houses ceased. Meanwhile fires arose in different areas and gained considerable hold. Extra troops were sent into the city to fight the fire and stop looting which had started. All fires but one were under control at night fall and the city was outwardly quiet.

Magistrates and police remained within the city and troops were employed in picketing and patrolling. The night passed quietly. Troops re-entered the city on the morning of the 10th and extinguished the fire. But there was fresh firing and fresh incendiarism in the morning, due in part apparently to outsiders who had managed to elude the patrols and enter the city in the dark. Shots were fired at the fire extinguishing parties, and police and frontier constabulary swept the city. Much assistance was given by the troops to the civil authorities in the difficult task of rescuing the Hindus in the city. By

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the evening most of them had been extricated and desultory firing had ceased. The roll of killed and wounded is still unknown, but the reports I have received estimate the killed at about 12 and the wounded at about double.

My reports, as is often the case where the men who have to report are in the thick of anxious happenings and urgent action, are still incomplete and lacking in detail. In particular I have yet to receive an authoritative account of the causes—or rather the immediate cause—of this most deplorable tragedy.

Pandit Shamlal Nehru (Meerut Division : Non-Muhammadan Rural) : May I know, Sir, if any steps were taken to deprive the rioters of their fire-arms ?

Mr. Denys Bray : I fear I must have given the Honourable Member a very poor account of this most deplorable business, for it to be possible for him to put to me such a question.

PROCEDURE IN REGARD TO THE AMENDMENTS TO THE GOVERNMENT RESOLUTION RELATING TO THE RECOMMENDATIONS OF THE LEE COMMISSION.

Dr. H. S. Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, may I ask your ruling on a question of procedure ? There are nineteen amendments on the agenda paper ? If the amendment of Pandit Motilal Nehru is carried, what will be its effect upon the other amendments which stand on the paper ?

Mr. President: If the amendment now under discussion standing in the name of Pandit Motilal Nehru is carried, then all the other amendments fall to the ground.

Khan Bahadur W. M. Hussanally (Sind Muhammadan : Rural) : May I inquire one thing, Sir ? Is the amendment of Pandit Motilal Nehru to be put forward as a whole or in parts, as it is just possible that some Members may not be in a position to agree to or oppose the whole amendment ?

Mr. President : I am prepared to put the amendment in parts when we come to the point when, after discussion, the question will be put from the Chair.

RESOLUTION *RE* RECOMMENDATIONS OF THE LEE COMMISSION—*concld.*

Mr. H. Calvert (Punjab : Nominated Official) : Sir, I feel that I am in a somewhat difficult position in addressing the House to-day for, Sir, I am a member of the Services and am personally affected by the decisions to be taken on the Report. But, Sir, I would ask the indulgence of this House to accept what I have to say, not as a special personal plea on my own part, but as representing the other members of the Services, as I have been authorised to speak as the President of the All-India Association of European Government Servants. I am not, Sir, going to ask for any generosity from this House—I appeal solely to their sense of justice and fairplay. I wish to put a few salient points of

the case of the Services and shall trust to the judicial fair-mindedness of Honourable Members for a fair consideration of our case. I should like, Sir, to thank the Honourable the Leader of the House for repudiating the suggestion that the financial recommendations of the Lee Commission were in any sense whatever designed to make the Services loyal to the reforms. It may have been, Sir, an accident, or it may have been designed that that charge should have been sent round to some of us in the form of an advertisement, but it has been said outside the House, not inside. Further, Sir, there is one more matter I should like to mention. There have been strong attacks outside the House on the Indian members of the Commission. I should like, Sir, on behalf of the Services to say that if ever Indians are again placed in similar positions of difficulty and responsibility, they can rely upon the confidence of the Services in their integrity, impartiality and sense of justice. Now, Sir, I am going to assume that all Honourable Members have read that little blue-book of extracts from Service representations, and I do not intend to cover the ground dealt with in that little blue-book. This Report of the Lee Commission has been received throughout the Services of India with a feeling of keen disappointment. The Report itself admits a rise of prices, within a short period, of 60 per cent. and recommends relief to the extent of 6 to 10 per cent. We must remember, Sir, that the Services received no relief and no war bonus and no special consideration for the rise in prices. I should like just once again to refer to the statement made by Mr. Montagu in a letter to the *Times* in January 1923. He said :

> " It is undoubtedly true that the Services in India have not received increases of pay comparable to those received by the Services at Home ; that the increases of pay which they have received were in the main regarded, after authoritative inquiry as *due before the worldwide rise in the cost of living which resulted from the war ;* and that these increases were fixed when the rate of exchange was, and was expected to remain, more favourable than it is to-day or is likely to be for some time."

In the House of Lords, Sir, Lord Lee said practically the same thing when he said :

> " No account has been taken of the change in prices brought about by the war. The result was that the position of the Indian Civil Services was immeasurably worse than that of Civil Servants at Home."

The result is, Sir, that the position of the Services in India was really much worse than the Royal Commission recognised. The fact is that there has been no increase of pay worth noting in superior posts for the last 55 years. The pensions of the uncovenanted services, as stated in the little book which has been circulated, have remained without increase for nearly 70 years.

What actually happened, Sir, was this. We prepared, with the greatest care, budgets for submission to the Royal Commission. We discussed in various places, in various ways, how we should present our case. We had conferences at Simla, conferences down at Nagpur, and we finally saw that the schemes practically in the net result worked out to very much the same, and we were able to bring all the Services together to agree on one single case to be put before the Royal Commission. Now, what happened ? We prepared the case with great care and we took trouble to put forth nothing that would not stand the test of strict cross-examination on its details. We spent a lot of time and took a lot of care over it. Yet the Commission stated in paragraph 46 that they had not time to examine the case put forward, but, Sir,

[Mr. H. Calvert.]

curiously enough, they had the time to examine the finances of the Government of India in such detail as to be able to say that they could not bear a heavier burden. The result is, Sir, that the Commission has left untouched a large number of grievances which were brought to its notice. It has left unsolved the question of the provident and family pension fund for the un-covenanted services, such as the revenue establishments of railways and specialist officers. The Women's Educational Service, a service composed of devoted, patient and honourable women, whose labour has surely earned credit from everybody, who are trying to remove the curse of illiteracy amongst women, they, Sir, were nearly recognised as worthy of consideration and no recommendation was made to relieve that position. I trust that Honourable Members who take any interest in the education of Indian women will press the Indian Government to relieve the grievances of the members of the Women's Educational Service. Now, Sir, we value this Report of the Commission not for the recommendations which are annexed to it, but for its very clear admission of the fairness and justice of the case we put before them. It admits, and fully admits, that we have very serious grievances; and we gather that although, in the interests of unanimity, the members could not put their signatures to it, they actually asked Sir Reginald Craddock to record a statement of what he thought was fair and just. Now, Sir, I am not going into a detailed consideration of the case of the Services. I wish to speak chiefly on two points, both of which are mentioned in the amendment of Pandit Motilal Nehru and they also find a place in the amendment of Diwan Bahadur Rangachariar. In both cases, the idea is that the Services are a burden on the tax-payer and that it will be necessary to increase taxation. There is also a complaint that the evidence was not placed before this House. Sir, in so far as the evidence relates to Service grievances, there is nothing confidential and nothing secret about it. The materials on which we based our case are available to everybody. I may say Sir, that I am going to refer particularly to the Civil List of 1875. The Civil List of 1875 has been in the Secretariat Library ever since 1875, and there is nothing secret, nothing confidential about it. Then, Sir, Datta's "Rise of Prices," which is a monumental work, is open to the public; it is open to anybody to read who has patience, and it is, in part, the basis of our plea. Now, Sir, let us take this charge that we are a burden on the finances of the country. That charge, Sir, is so ridiculous that it is almost a waste of time to contest it. I will begin with the Finance Department of the Government of India. Can anyone pretend that the Finance Department of the Government of India is a burden to the tax-payer? That department exists to save the tax-payers' money, and those who are in the Services can testify from experience, both varied and extensive, how much money they do save. Now, Sir, in the course of this debate, there has been some discussion as to what the position of the Service is now and what it was, as the Leader of the House referred to, in 1912, and in 1914, which was mentioned by Diwan Bahadur Rangachariar. I have taken the trouble to examine in detail the Civil Lists for 1875 and the Civil Lists for 1898. I took 1875 as that happened to be the oldest Civil List available in the Punjab Secretariat. I have worked out the pay drawn by officers in the regular line in the Provinces for 25 years. It may interest Honourable Members to know in comparing that pay drawn for 25 years' service in 1875 with the present pay, it was

higher then than it is now. What really happened was this. In the early days when the cost of living in this country was fairly low, officers were able to save and the pension they got was sufficiently liberal. As the cost of living has risen the pension has become relatively smaller and officers have been unable to save. The result is that they retire at a later age and so we have a progressively increasing block in promotion. The result is, if you take an officer of 25 years' service in the regular line, he is progressively getting less and less. If to our scale of 1875 pay we add exchange compensation allowance, about 6 per cent., and if to the pay now drawn you add overseas pay, then the result is an increase by 8 per cent. as compared to what it was 50 years ago. I am not, Sir, going into the figures which Diwan Bahadur Rangachariar gave the House yesterday about the rise in the cost of living since 1914. I do not think it is necessary to discuss the rise in the cost of living since 1875. I think all Members of this House will agree that the cost of living now as compared with 1875 has risen by more than a hundred per cent. (*Pandit Shamlal Nehru* : "What about the increment in 1920 ?") The increment, compared to the rise in cost of living in the last 50 years is inadequate. I may also say that Indians entering the Civil Service at the present scale will continue to draw less pay than what officers drew in 1875. Now, Sir, one result is that throughout the Provinces of India in all the regular line posts, there are senior officers of 22 years' service and over drawing less pay than officers of the same seniority 50 years ago ; they are actually drawing less rupees per month. Since the 1919 scale of pay, senior officers in many Provinces have been actually drawing less than before. Commissioners, Financial Commissioners, Chief Secretaries, all had their pay reduced by the 1919 scale. Now, Sir, one of the biggest difficulties which faces the Government in trying to deal fairly with its Services is this problem of the block in promotion, and it was owing to this block in promotion that there was a very serious decline in prospects, which led to the appointment of the Islington Commission. That Commission, Sir, set itself, not to increase the pay of our Services, but to remove the effects of the blocking of promotion. There has been a great deal said about the year 1898 and I will say something more now. The year 1898 was referred to in the Montford Report. If you compare the 1919 scale with the pay drawn in 1898, it will be seen that beyond the first few years there is not a single year which received more pay than that drawn in 1898. In fact, the 1919 scale gave less than the average of 1898. This difference, Sir, was made up by the overseas pay, and thus the 1919 scale became practically the 1898 scale. Now, the 1919 scale dealt with the blocking of promotion. The result was that it gave a rise of pay of about 25 per cent. to officers from the 7th to the 16th year of service. Above 16 years it gave less and above 21 years it actually gave a scale which was less than that drawn in 1875. I am mentioning these facts because there is the impression in the House that the 1919 scale has given much to the Services. It has also been mentioned in this House that this scale led to increased expenditure. That increase of expenditure, Sir, did not represent any fresh burden. It simply represented the sum which had been saved to the State by the accumulated blocking of promotion. Even the Report of the Lee Commission will pay the members of the Indian Civil Service less than 25 yer cent. over the 1875 scale. Now, Sir, Honourable Members have not fully appreciated this important matter, because when the Secretary of State has to advertise for recruits, he actually has to advertise the best and most favourable terms.

[Mr. H. Calvert.]

In the Communiqué of 1919 it was mentioned that "the new time-scale represents a substantial increase on the rates at present in force. The initial emoluments have been raised by 50 per cent." Well, Sir, people might think that this 1919 time-scale represented a considerable rise in pay. I must admit that it did raise the initial emoluments by 50 per cent. for the first six months. But officers in the second year of their service drew less. In fact they would have preferred to draw the old scale because in 1919 we were feeling the effects of the stoppage of recruitment during the war. The result was that the lowest grade of Assistant Commissioners was practically empty. Any young man who entered into the Service would act in the 700 grade after the first year of his service.

Mr. President: I will ask the Honourable Member to draw his remarks to a close.

Mr. H. Calvert: I have to deal with various Services and I hope you will just give me a few minutes. The main point is that these Services are a source of profit to the State. The forests of India in 1875 were going to destruction. We got trained men about that time and they are now a source of profit to the State and are earning a large income. The Irrigation Services have added to the revenues of India something like 83 crores. The Engineering Service has also done a lot for the country. The Railways of India have latterly been giving an annual net surplus. They have not been a burden on the tax-payer. If we consider the question of proportion I may say, Sir, that the recommendations of the Lee Commission will have practically no effect on the tax-payer. In the Irrigation Department the pay of the Imperial Service officers is only 1.9 per cent. of the gross receipts from the Irrigation works. It is about less than 3 per cent. on construction. Thus the cost of the Imperial Service is practically negligible, and the small rise of 6 or 7 per cent. is nothing. I know, Sir, that some Honourable Members do not give us the credit for adding to the material prosperity of India. I may just mention, Sir, that the Irrigation Works now bring in a gross produce of about 170 crores of rupees every year. Yet Diwan Bahadur Rangachariar and Pandit Motilal Nehru say that the tax-payers cannot afford to pay the enormous amount. There is no time to go into the details, but the population which depends upon this irrigation is something like 45 millions, which is larger than the whole population of France. The area under irrigation is at present something like 28 million acres and, if works under construction are brought to completion, the area will be increased to 40 million acres.

Mr. President: The Honourable Member has exceeded his time-limit and is now becoming irrelevant.

Mr. H. Calvert: They are not a burden on the State. The European Services in this country bring large sums of revenue every year which relieves the tax-payer. They bring large sums of money from Irrigation; large sums of money from Railways and large sums of money from "Civil Justice." So far from being a burden on the tax-payer they relieve the tax-payer of these large sums of money, which would have to be raised otherwise.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber: Indian Commerce): Sir, I rise to support the Honourable Pandit Motilal

Nehru's amendment. My electorate, the Indian Merchants' Chamber of Bombay, gave evidence before the Lee Commission and that evidence was not given under the seal of secrecy, but was available to the press at that time. My views, therefore, to-day before this House will be in conformity with that evidence and will be in disapproval of the Report submitted by the Lee Commissioners.

The Honourable the Commerce Member reminded this House at the very start of his speech that they were dealing with the Report of a Commission which was a Royal Commission, a Commission appointed by His Majesty the King Emperor. I have no doubt that the Honourable Member referred to this in order to remind the Honourable Members that their sense of loyalty to the Crown required them to consider the Report with all the respect due to the appointment by the Crown, and perhaps partly asking for the endorsement of the Report on the same ground. I wish the Honourable the Commerce Member had also reminded this House that His Majesty the King Emperor, George V, was a constitutional Monarch of a most high and ideal order and that it would be best for this Assembly ever hereafter, whenever any question comes before them, to bear in mind that the King can do no wrong.

If any wrong is done to the subjects of His Majesty the King Emperor, it is owing to the advice to His Majesty, which he, as the ideal constitutional Monarch, is bound to follow. I therefore submit, Sir, that there is nothing wanting in loyalty to the Crown if this House considers even the Royal Commission's Report, not on sentiment of deep loyalty to the Crown, which I know is embedded in the minds of every one in this House, but on merits of the Report.

I would, Sir, before I pass on, refer to the last portion of the speech of the Honourable the Leader of the House. I do not know if my Honourable friend from Madras, Mr. Shanmukham Chetty, had it from the Leader of the House that he (the latter) referred in his criticism of the Services to them as " mercenary hordes " in order to fit in his excellent quotation at the end, but I should like, Sir, to pay my tribute of admiration to the great and good work that has been done by the Services till now. I am sure, however, that the Honourable the Leader of the House will admit that, if the Services have done well by India, India also till now has treated the Services very well indeed.....

The Honourable Sir Alexander Muddiman : I should like to assure my Honourable friend that I did not make remarks of that kind in order to adorn my speech ; I said that because I felt it and felt it deeply.

Sir Purshotamdas Thakurdas : I have no doubt of that because I felt the Honourable the Leader of the House spoke with genuine feeling and hence my reference. But, Sir, that admiration on our part of the work done by the Services till now should not prevent us from looking at the proposition put before us in a fair-minded way, in a spirit of justice both to the Services, and I claim in a spirit of justice and fair-mindedness, also to the tax-payer.

Grave warnings have been uttered in responsible quarters before now regarding the apprehensions of some in case the Royal Commission's recommendations are not put in force. Viscount Lee, speaking

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in the House of Lords, said :

"The present position is, as it seems to me, deplorable and must be alleviated, unless we are prepared to say that we are going....to step out of our responsibility in India and haul down the flag."

Later on he said :

"I go further and state my belief that, unless the morale and contentment of the Services be restored, it will be the first step on the road to our losing India altogether."

Viscount Inchcape said :

"If the authority of the Viceroy and the Civil Services," (*I would like the House to mark the bracketting*) "should be undermined, then woe betide the country."

The Marquess Curzon after deploring that a fatal inertia had settled down on everybody, and nobody could make up their minds what they were going to do, except the Swarajists, wound up his speech by asking what the Government were going to do. He said :

"Are they going to embark once again, as it is such a temptation to Governments to do, upon a course of vacillation here and compromise there, and surrender somewhere else,—a policy of drift all round ?"

He said :

"That, as every member allows, means disaster and damnation, not only to us, but to India itself."

These are grave warnings by persons distinguished for great services to the Empire, but one cannot help observing that these Noble Lords look at the problems facing the Government of India and this Assembly at present only from one narrow point of view, namely, how to maintain the supremacy of England in India on the same basis as existed perhaps at the period when the Crown took over India. That, I submit, is a serious omission and must prejudice their conclusions. The result is that the British Parliament and people are unable to get at the real state of things here in India. Even the Government of India are not good enough at times to command the confidence of some of these gentry.

And now, Sir, what is the nature of the Report which we are told must be accepted by this House, and which, if this House does not accept, very grave and dismal things will happen ? Viscount Lee again in the House of Lords admitted that it was a "compromise, balanced and honourable" as he put it. It therefore follows that the conclusions of the Royal Commission are not logical and just conclusions of the Commissioners on the evidence recorded by them. As My Honourable friend Mr. Chetty said yesterday, there are two parties to this compromise, the first the Indian Commissioners and the other the British Commissioners. How much did each compromise is what this country wants to know ? Who sacrificed fundamental principles and who sacrificed minor details ? The Indian Commissioners have been criticised, not in their personal capacity, Sir, but as Commissioners on that Royal Commission, for the reason that India suspects that they gave way on substance and that the British Commissioners gave way on shadow and on small details. May I ask the Honourable the Commerce Member, Sir, whether a Commission, and a Royal Commission at that, was appointed for the purpose of a compromise ? Was that a part of the reference to the Royal Commission ? Should it not have been left to the Government and to this Assembly, if necessary, to compromise ?

Were they not bound to submit to His Majesty a report based on their just and fair conclusions, arrived at on the evidence and the material submitted to them ? I therefore am surprised at Honourable Members getting up one after another and saying that the Report is a document which merits our acceptance, in spite of the absence of any evidence on which they went. I am awaiting from the Honourable the Leader of the House a few of the instances, which he said yesterday at question time he knew of many, where the Government of India had accepted reports of Commissions and Committees without the relative evidence being submitted. I hope the Honourable the Leader of the House, when he gets up to reply to this debate, may be able to give me a few instances, barring the one instance which was hurled at me from the benches opposite, namely, the instance of the Incheape Committee's Report, an instance which, I submit, does not stand on all fours and is not of the same nature as the instances which the Honourable the Leader of the House promised, and which this House expects.

Sir, the Royal Commission seem to have followed a most extraordinary procedure. In paragraphs 106 and 107 they say that 411 witnesses were examined by them. 152 of these only could stand the light of public criticism and of public information of their views. This by the way amounts to only 35 per cent. of the total number of witnesses. 65 per cent. of these witnesses elected, or if there is anything, in what my Honourable friend the Pandit mentioned, were asked to give evidence in camera. I am not expressing an opinion ; I expect the Honourable the Leader of the House to give a reply later to what was said by Pandit Motilal Nehru regarding what happened to some witnesses in Madras. But, Sir, it does not stop there. We should like to know who it is that elected to give evidence only in camera. Even the names of the witnesses who appeared before the Commission are not given in the body of the Report. Certainly it is in fairness due to the Honourable Member Mr. Calvert, the President of the Services Association in India, that we should know the names of members of the Services who insisted on absolute secrecy of their views, for did not my friend say that all the members of the Services gave their evidence in public. Why then are their views not submitted to this House ?

I will wind up, Sir, by naming only eight items on which I think the Commission should have attached statements showing the facts and figures into which they must have gone or they ought to have gone before they could make up their minds. There are no statements attached to the Report regarding examination of figures by the Royal Commission of the following :

1. Increases in cost of living in India as compared with increases in the cost of living in England.

2. Comparisons with other countries such as important countries of Europe, America, Japan, and the Colonies, including the Crown Colonies, of increased cost of living and increases given in these various countries to their Services.

3. Increases given to the Provincial Services in India with grades of their pays. I mention grades of pays because I think it very necessary to know what grades of pays were being dealt with, for it is evident that a peon has to be given an increase every time the cost of living goes up even by a rupee or two because his margin of savings is so small.

[Sir Purshotamdas Thakurdas.]

4. Increase and percentage of the increases to Provincial Services.

5. Increases given, if any, to the Medical Services.

6. Increases given to the Military Services.

7. Increases given by commercial firms during the war, which was a " boom " period for trade and which was apparently a prosperous time for all commercial firms.

8. Decreases and cuts made by commercial firms since 1920-21 which has been a period of depression and therefore of adversity for these commercial firms.

Sir, I feel that if these statements were attached to the Report, even without the evidence being submitted to us, it would have enabled us to make sure that the Royal Commission had examined all these various aspects which are indicated by these various tables that I have asked for and we could ourselves judge the question better than to-day.

In Chapter 6 of the Report the Commission consider the question of pay and allowances and in paragraph 47 they come to the conclusion that the present rates of pay are below the level which proved attractive 20 years ago. The question however is what about the allowances and increases introduced during the last 20 years, and have there not been other concessions given, directly or indirectly, during the last 20 years ? I see the Honourable the Finance Member says " None ". I will only mention the omission of the 4 per cent. contribution to annuity which was calculated in the year 1914 to have cost the State 9 lakhs of rupees. That is at least one instance ; but I have in my mind, Sir, the time-scale, better leave rules and—I speak subject to correction—changes in the pension rules. The Commissioners go on in paragraph 48 to state how, in their opinion, employés of commercial firms have done better since 1914 than the All-India Services. It is surprising that the Commission should have overlooked here the obvious difference between service in a commercial firm and services such as the All-India Services. In the former—that is, a commercial firm—the prospects of a recruit are absolutely dependent on the progress of the firm. It is true that in prosperous concerns the few men at the top do very well, but these are invariably men of proved ability and of acknowledged popularity with the community in the midst of which the firm's business may lie. The others not only never get anywhere near the top but get no concessions like proportionate pensions—which by the way is going to cost India a good deal—should they conceive a dislike for their selected firms or for their selected lines. Further, promotions in Government service are more or less assured and safe, whereas in commercial firms they depend on absolute merit and capacity. I have got, Sir, here a statement again of one of the largest employers of commercial labour in India, Viscount Inchcape, who, speaking in the House of Lords in response to Viscount Lee's invitation on the 31st July last, said :

" At the end of the third year the emoluments increase according to ability displayed."

Not according to a time-scale nor according to grade but according to ability. He further went on to say :

" Beyond that they rise gradually to Rs. 3,000 "—*according to merit again*— " and those who have shown exceptional ability are admitted as partners, though, of course, this is not possible in every case, just as it is impossible for every midshipman to become an admiral."

But in Government service it is possible, it is feasible, it is claimed as a right, that the junior entering the service on Rs. 600 or 700 must get to Rs. 3,000 or Rs. 3,500.

The Honourable Mr. A. C. Chatterjee (Industries Member) : Oh no ; that is not so.

Sir Purshotamdas Thakurdas : And yet we are told that service in the superior grade of the Government of India and service in commercial firms has much in common. In short, Sir, careers in the All-India Services are assured except in cases of proved fraud. One wonders if the commercial firms of whom the Commission made inquiries told them really that the average careers there were anything like as safe and as secure for promotion to the highest offices as they are known to be in the All-India Services. But the most interesting difference in this respect is narrated in paragraph 82 of the Report. The Commissioners say :

"The Services claim that whatever may be the legal interpretation of the words 'existing or accruing rights' their intention was to secure to them the prospects of promotion to all higher posts existing at the time the Act was passed or alternatively to secure for them compensation for the loss of such prospect through the abolition of these appointments."

The Commission's recommendation requires to be narrated in their own words :

"We recommend therefore that the Secretary of State should refer such claims for compensation, as they rise for consideration and report by the Public Services Commission, which being the expert authority in India on all service questions, will be well qualified to form a just opinion."

The Indian Members—for once they differ somewhere in the Report from their colleagues—the Indian Members would limit this reference to the Public Services Commission to cases other than those necessitated by retrenchment or curtailment of work. One wonders what commercial firms were known to the Commission to even consider such claims. If a firm made up their mind to restrict the scope of their business, would their staff have any claim against them, Sir ? I really wonder if things having something common were being considered by the Commission.

The question of security of pension in the All-India Services is another point in the same category. Cases have been known of pensions and provident funds of staffs of commercial firms, and I will add, in order that I may not be interrupted, even of big banking institutions, disappearing with the solvency of the concerns where the men were serving. It is therefore difficult to feel that the Commission were trying to compare two things that were at all alike. It is difficult even to conjecture, Sir, the species of commercial business to which the Commission refer in paragraph 48 of their Report. As stated above the security of posts and practical guarantee of promotion is, beyond comparison, more assured in Government service in India than in any other service, commercial or industrial. In fact, amongst us Indians, it is notorious that, despite serious handicaps to Indians in Government service, there is always a craving for a post in Government service based on what, Sir ? Based on the securities named above, namely, the security of promotion and the security of service. No reference is made to these facts which proves that the Commission either had not these points of view put before them, or if they were put before them, they were not given the consideration which they very strongly carry with them.

Mr. President : I will ask the Honourable Member to bring his remarks to a close.

Sir Purshotamdas Thakurdas : The only question that remains to be considered is, whether the pay, allowances and pensions of the All-India Services are adequate or not. In paragraph 46 the Commission say that the Services placed before them carefully compiled statements of current income and expenditure. Even these, Sir, are not attached to the Report, and one wonders whether they were handed in under the seal of secrecy. I know that subsequently some of these have been circulated to the House, but the Commission did not print those that they mention. Now, what is the basis which the Commission go upon ? They go upon the basis or rather the criterion adopted by the Islington Commission, namely, not merely to give the Services an adequate return according to the market value of such hands, but to give them the rate which proved attractive twenty years back. And, Sir, what was the rate which was attractive twenty years ago ? What was the saving then made by the Services ? What is it that we are asked to provide in order that the Services may be contented ?

I shall pass on to a further aspect of the question. Mr. Calvert said that the increase of pay to the Services since 1875 has been 8 per cent. I understood the Honourable the Leader of the House to say that it was something between 10 and 11 per cent. But I have here the reply given by Earl Winterton on 27th February 1923 to a question by Mr. Hancock, asking for the number of officers in the Indian Civil Service during the years 1913-14 to 1922-23 and their pay and allowances, taking the rupee at 16*d*. In 1913-14 the average worked out to £1,580 per head ; in 1918-19 it worked out to £1,658 per head, in 1920-21 to £1,928 per head, and in 1922-23 to £2,024 per head. By simple division I have worked out the percentage of increase to be about 20 per cent. Now, Sir, may I ask if, in view of the increase in prices of 100 per cent., the various other Services in India have been given increases commensurate with it, and if not, will the Government tolerate any demand by them if they put forward their budgets and show that even with the increases which they have been given they cannot make both ends meet.

I now pass on hurriedly to my main conclusion.

Mr. President : The Honourable Member cannot develop his main conclusion now.

Sir Purshotamdas Thakurdas : May I speak for five minutes more ?

Mr. President : No.

The Honourable Sir Basil Blackett : (Finance Member) : Sir, I rise to oppose the amendment which has been moved by the Honourable Pandit. I shall endeavour in doing so to fulfil the promise which was made on my behalf by the Honourable the Leader of the House that I would deal with more general questions in regard to the financial effect of the Lee Commission's proposals. I shall also endeavour to answer to the best of my ability some of the questions—not as numerous I confess as I expected—which have been addressed to me by Honourable Members in the course of the debate on financial details ; and although we have been reminded that comparisons are odious, I shall do my best to put a little material before the House in regard to the comparative emoluments of civil servants in other parts of the British Empire.

I will begin with the cost of the proposals. I circulated on the 3rd September an answer to an unstarred question by the Honourable Diwan Bahadur Ramachandra Rao. I am not sure that that answer has received any publicity ; so it may be useful for me to read it :

"If the recommendations of the Lee Commission are accepted in the form in which they were made, the estimated cost distributed between the Government of India and the Provinces is as follows :

	Lakhs.
Government of India	26
Madras	9.7
Bombay	9.7
Bengal	9.3
United Provinces	10.8
Punjab	9.1
Burma	10
Bihar and Orissa	4.9
Central Provinces	5.7
Assam	2.9

The calculation has been made on the basis of a 16 pence rupee, and as exchange has been higher the actual expenditure in the current year would be less. But, on the other hand, it is possible, as the Commission recognised, that the number of officers taking advantage of the passage concession in the first few years might be above normal. Secondly, the above calculation does not take into account the cost of the recommendations regarding house rent and medical attendance, which it is not possible to estimate accurately. In addition there will be a sum of approximately Rs. 1¼ lakhs for the first year, increasing by roughly the same figure every year for about 14 or 15 years, representing the cost of the pension concessions of which it is not possible to show the distribution among the different Governments. The above represents the figures of cost as calculated by the Commission itself. To this may have to be added a sum of approximately 18 lakhs per annum, if it is decided to extend the Commission's proposals to officers of the Great Indian Peninsula and East Indian Railways which will shortly become State-managed lines and to officers of Company-managed lines."

I lay stress on the point about exchange. Having regard to the present rate of exchange the figures as they stand in the case of the Provinces may, I think, be taken as the maxima. I have made a rough calculation of the amount of overseas pay, present and proposed, which under our suggestions would be payable in sterling. At 16 pence to the rupee this would amount to Rs. 142½ lakhs ; at 17 pence to Rs. 134 lakhs ; at 18 pence to Rs. 127 lakhs ; at to-day's rate of exchange, say 1*s.* 5½*d.* it is approximately 130 lakhs, a saving that is to say of Rs. 12 lakhs over the figures I have read out in the answer. As against this we have to set the figure of about Rs. 7 lakhs which will be the maximum cost if we are to extend relief to all posts above the time-scale not drawing more than Rs. 3,000 a month. It would be less than 7 lakhs if the relief were extended only to selected posts. I would further lay stress on the fact that Indianisation, even if the existing basic rates of pay of Indians are left untouched, involves a progressive saving as stated by the Honourable the Leader of the House. So far as I can see, therefore, the figures which I have given in the case of the Provincial Governments may be taken as representing approximately the maximum cost of these proposals. It will be observed that only in one case does the additional cost exceed Rs. 10 lakhs. It is 10.8 lakhs in the case of the United Provinces.

In the case of the Government of India unfortunately the position is not quite so simple. In the answer that I have read out the direct cost of the Government of India is given as 26 lakhs. 18 lakhs which arise under the head of Railways belong properly to the Railways and ought to be met

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out of the railway earnings. If the proposals now under consideration in regard to the separation of railway finances from the general finances are given effect to in something like the form in which they now stand, this charge will fall not on the tax-payer but on the railway reserve.

Dr. Gour and Sir Purshotamdas Thakurdas and others have asked me questions as to the indirect effect on the Army and on Provincial Services. Dr. Gour used the word " uncovenanted services " ; but I think that must have been a slip of the tongue. All the Services, except the Indian Civl Service, are uncovenanted services. The proposals of the Lee Commission apply to all the Superior Services. There is no doubt some little difficulty in deciding exactly which are the superior posts in some of the Central Services to which relief should be extended. But in the case of the Provincial Services about which Dr. Gour is anxious, I see no reason why there should be any additional cost. On the contrary, I should hope that the question of the reduction of basic pay might eventually lead to some economy. The Honourable Diwan Bahadur Rangachariar made great play with the additional cost of the Services generally since some years ago. I think he must have failed to realise that far the greater part of that additional cost—something approaching Rs. 10 crores— is due to the revision of the scales of pay of the Provincial Services in 1920.

They were revised at a time when the cost of living was at its highest and, if he will follow up his own argument about reduction in the cost of living since then, he will see that, so far from a proportionate increase in the cost of the Provincial Services being threatened, there are reasons for considering the reverse.

12 NOON.

So far as the civil charges of the Government of India are concerned, therefore, I am prepared to take a figure of very little over 26 lakhs as a probable maximum. The indirect effect in the case of the military budget is more difficult to deal with. It is not possible to give a direct answer in figures to the question what is the additional expenditure that will be incurred under the head of the military expenditure in consequence of the Lee Commission's Report. It is impossible to say, as we can say on the civil side, that the extra cost will be so many lakhs. The decision in regard to the Medical Services on the civil side, when taken, may possibly involve some quite minor increase in the cost on the Army side of the Medical and Veterinary Services, but there is also the more important question of the pay of the Army officer. Now, the Report of the Lee Commission does not directly affect the Army Officer, but it does affect the atmosphere in which consideration is being given to the revision of the pay of the Army officer which in any case was due in July 1924. In that month the five years for which Army pay was fixed in 1919 came to an end. Almost simultaneously with the receipt of the Lee Commission's Report by the Government of India, the Government of India had before them proposals prepared without reference to that Report for a revision of the pay of the Army officer. It has been impossible to obtain a decision as yet on those proposals, mainly because the Government at Home has not yet succeeded in arriving at a decision as to the revised rate of pay to be brought in in July 1924 for British Army officers in England, and that is the basic figure from which any calculation of the pay of the Army officer in India has to start. But the fact that this is the starting point shows that the basis for Army pay is something quite different from anything in the Lee Commission's Report. The Report, therefore, has no direct bearing on the question

of the Army. In one respect it is probable there may be a direct effect. That is the question of passages. If, as is likely, something corresponding to the passage concession is given to Army officers, it is estimated that the extra cost of such a concession will be from 12 to 15 lakhs. This is the only figure I can give in regard to military expenditure. But I can add this. The extra cost of the passage concession and the other extra cost that I have mentioned, and the extra cost of the revision of pay now under consideration, whatever the final decision may be, is not likely to be so great as to prevent the established charges for the Army for 1925-6 from being brought down well below the corresponding figure for 1924-5, assuming, as one must for the purposes of such a comparison, that the rate of exchange is the same.

The House will see from these figures that the additional expenditure to be faced in the Budget for 1924-5 and succeeding years is at any rate a matter of lakhs and not a matter of crores, and it ought not to prove in any way unmanageable. No Finance Member likes additional expenditure for its own sake, and I can assure the House that, both during the time when the Lee Commission was sitting and since, the problems arising out of the necessity of meeting this additional expenditure have never been absent from my attention.

But, in considering this additional expenditure, there is another side to the picture. The Honourable Diwan Bahadur Rangachariar questioned the statement made by my Honourable Colleague, the Home Member, and by the Royal Commission, in regard to the rate of exchange which was taken as the basis for fixing the revision of the rates of pay in 1919-20. The Royal Commission stated it and my Honourable Colleague, the Home Member, has stated it as a fact, but still the Honourable Diwan Bahadur seems to be unconvinced. Let me give him further authority.

Diwan Bahadur T. Rangachariar (Madras City : Non-Mahommadan Urban) : Contemporaneous.

The Honourable Sir Basil Blackett : Lord Chelmsford was Viceroy at the time when the revision was made. He ought to know. Speaking in the House on the 31st of July of this year.....

Diwan Bahadur T. Rangachariar : I want contemporaneous authority.

The Honourable Sir Basil Blackett : Wait and you will get it. Speaking in the House of Lords on the 31st of July of this year, he said :

"Secondly, as the Secretary of State mentioned in his speech the other day, when we at headquarters were examining the problem, the rupee at that moment stood at something like 2*s.* 8*d.* to the £. The Committee which had been appointed to deal with the rupee had fixed the rupee at 2 sh. and promised us in their Report that that was what the value of the rupee was likely to stand at in the future. Your Lordships can well see that recommendations with regard to salaries with the rupee at 2*s.* 8*d.* or certainly at 2*s.* were recommendations which must be dealt with in a very different manner from when the rupee was standing at 1*s.* 4*d.* The whole problem of the cost of journeys would be almost halved for the civil servant. The cost of remission Home to England, similarly, would be greatly lessened. We frankly thought at that time that the question of the salaries really did not arise, that the Indian Civil Service, with the rupee standing at that figure, would be in a very admirable position. Then, as we all know, the rupee fell again to 1*s.* 4*d.* subsequent to our recommendations ; hence all the trouble in which we find ourselves."

Mr. Montagu, who was Secretary of State at the time, has also stated that the revision was based on a two shilling rupee.

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As the Honourable Diwan Bahadur is still unconvinced, I should like to inform him that I have examined the files myself very carefully, and there it is definitely stated that the rise of the rupee to two shillings was sufficient to justify refusing further increase in the pay and also to justify the abolition of the Exchange Compensation Allowance without any corresponding addition to pay, contrary to the proposal of the Islington Commission. There is, further, a statement that, if the rupee should at any time fall, the whole matter would have to be reopened. If the Honourable Diwan Bahadur wishes still to question the statement, I am afraid he can only do so by saying that I tell untruths.

Diwan Bahadur T. Rangachariar : No wrong impressions, that is all.

The Honourable Sir Basil Blackett : Others have urged that the present increase should be made temporary and not permanent, should be based on some index number. Had the system of a war bonus been adopted in India as it was in England towards the end of the war and had it been based on some index number, we should have been spending in addition to what we have spent not lakhs but crores on the pay of the Superior Services in the years after the war. The relief now proposed is in other words overdue, and more than overdue. It has been postponed solely owing to the financial exigencies of the Indian Budget, and I suggest that the Indian tax-payer, if he examines the important but still comparatively small increase in the expenditure which is now proposed, should remember that, out of consideration for him, a considerably larger annual expenditure has been put off from year to year, at least since 1920, at the expense of the Services. The Honourable Diwan Bahadur Rangachariar—I hope quite unintentionally—made a very misleading use of the Bombay index number. Throughout he made comparisons with 1920. But the revision of pay of the Services which was made at the end of 1919 on the basis of the recommendations put forward by the Government of India during the summer and the early autumn of 1919.

Diwan Bahadur T. Rangachariar : Some of them were also made in 1920.

The Honourable Sir Basil Blackett : They were consequential, based not on new comparisons but on a comparison of what had already been given in other parts of the services, that is to say, on comparisons of figures which were arrived at on the basis of 1919 and not 1920 figures of cost of living. The Bombay index number for the cost of living for Europeans was 147 in October, 1919 (as compared with 100 in 1914), 158 in October, 1920, 168 in July, 1923, and 165 in March, 1924, which was the date when the Lee Commission reported. It has since fallen, I think, to 162. During the same period the rupee has fallen from just about 2*s.* in October, 1919,—it rose to 2*s.* 8*d.* for a short period in 1920—to a level of something below 1*s.* 3*d.*, and it is now about 1*s.* 5½*d.* Take the figures given by the Honourable Diwan Bahadur Rangachariar himself. The cost of the pay and allowances of the Civil Service which he gave showed a rise from a figure of Rs. 572 lakhs before the war to 667 lakhs before this increase, an increase of 17 per cent. As I have shown, the increase in prices according to the Bombay index number is not 17 per cent. but 65 per cent. Can it be maintained for a moment that an increase is not long overdue ? I cannot believe that the Honourable Diwan Bahadur Rangachariar or Sir

Purshotamdas Thakurdas who spoke just now really desire to dissociate themselves from the view that has been expressed by nearly every other Honourable Member who has spoken that in principle at any rate the grant of relief on the lines proposed by the Lee Commission is just and the Services ought to be given the increases proposed if a case is made out.

Sir Purshotamdas Thakurdas: I may add, if the Honourable Member does not mind, " if a case is made out to the satisfaction of this House ", not only of the Government of India. I certainly agree to that principle.

The Honourable Sir Basil Blackett: This House has been trying to do its proper work when it has asked some of these questions, and I am about to do my best to give it some further material on which it can make up its mind. I have a great deal of material available, but time will, I fear, prevent me from giving more than a small portion of it. In the United Kingdom, since 1917, there has been a system of war bonus increase in force, depending on the cost of living index. It has varied from time to time, but at the present time, taking the figure of 75 per cent, as the increase in the cost of living since 1914, bonuses are given as follows:—

If the basic salary does not exceed £200 a year ..	.. Bonus increase of 53 per cent.
If it does not exceed £400 a year ..	.. Bonus increase of 39 per cent.
If it does not exceed £500 a year ..	.. Bonus increase of 37 per cent.
If it does not exceed £700 a year ..	.. Bonus increase of 28 per cent.
If it does not exceed £900 a year ..	.. Bonus increase of 24 per cent.
If it does not exceed £1,200 a year ..	.. Bonus increase of 18 per cent.
If it does not exceed £1,500 a year ..	.. Bonus increase of 13 per cent.

No increase is given which has the effect of bringing the total salary above £2,000 a year, but I would add that since the war, a revision of the pay of the posts at the top, which was under contemplation before the war, has been put into effect, with the result that something like 25 posts of Heads of Departments have been raised from £2,000 to £3,000 a year with corresponding increases in the posts on the next scale, which are now fixed at £2,200. Corresponding war bonuses or bonus increases have been given in other countries. As I have said, I am not sure that it would not have been more logical if a war bonus system had actually been adopted in 1918-19.

Diwan Bahadur T. Rangachariar: Why not now?

The Honourable Sir Basil Blackett: I am coming to that. It would have been more advantageous to the Superior Services though it might have saved something in the cost of the Provincial Services. I will come later to the objections to giving it now. As regards passages, I find in Ceylon return passages are granted by the Ceylon Government after a period of 4 years' residence to all officers domiciled outside Ceylon, their wives and children including unmarried dependent daughters, but not sons over the age of 18, in each case not exceeding five passages in all. In special cases, the concession is granted to officers who have not put in the qualifying four years' residence. In the Straits Settlements and Hongkong passages are granted to officers domiciled in Europe or the Dominions, whose maximum salary is £490 per annum or over after four years of service. Similar concessions are granted to their wives and children up to a total of five persons in all,—sons under 16 and unmarried daughters.

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In the case of Egypt and Sudan, a passage allowance is granted in one direction every year, and, if no passage allowance has been drawn in the previous year, in both directions. This allowance is extended to the wife and children.

Mr. D. V. Belvi (Bombay Southern Division: Non-Muhammadan Rural): What is the scale of pay in all these countries?

The Honourable Sir Basil Blackett: As regards pensions, in Ceylon and Hong Kong the maximum pension is £1,300 a year. It is obtained at the age of 55. The same is true in the case of the Straits Settlements. In all the three cases temporary increase has been given with reference to the cost of living in England. As regards medical attendance, in Malaya officers are entitled to such free treatment as the Government has available but not free hospital treatment. The same is true in Hong Kong. In other cases, they are given more favourable treatment because they are given both hospital attendance and free medical attendance.

I am asked a question as regards the scales of pay. It is always difficult to make comparisons because you have to know—which you do not generally know—the exact nature of the work done by the different officers in the different countries. I have elaborate comparisons available, but they are not illuminating without going very deeply into the character of the work done in both cases. I think it is true to say that, generally speaking, the basic rates of pay in the I. C. S. are higher than in most other Services. The same is not true of any of the other Services and in the case of the I. C. S. it has to be remembered that it has been the Service which has hitherto been sought after above all others by the Europeans desiring to enter Government service abroad and that the people who have gone to the other places are those who have failed to come to India. Conditions also vary very greatly in various countries. The cost of living differs, and the whole basis of living is different in different countries.

The comparisons I have given are, I am afraid, a little haphazard, but I have given them first of all in order to show that the Lee Commission and the Government of India have examined the question of the pay of the Civil Service with reference to the statistics available as to the position in very many other countries. They have examined them thoroughly and have arrived at their conclusions in the light of such examination. Of course, in the case of the Indian Civil Service, the fact stares us in the face that the index number has gone up by something like 60 to 65 per cent. I do not want to attach too much importance to index numbers. This is the index number for Bombay only. I think, however, that it is a useful criterion on which we can found a general case. There is no doubt that the cost of living for the European as well as for the Indian varies very greatly in different parts of India, so much so that an index number for the whole of India is meaningless. At the same time, the proportionate increase in the cost of living both to the European and to the Indian is probably not very different in different parts of the country. Although the starting figure may be different, the average increase is very much the same. The average increase of the pay of the Services since 1914 in no case is anything like 65 or 60 per cent. I believe in the case of the Police, it may exceed 30 per cent.; in the other cases, it is not so much,—an average increase of about 20 per cent. I do not think that these figures suggest that

the Government of India have been inconsiderate to the tax-payer in postponing for four years an overdue increase and in giving something very much less than would be claimed if the cost of living were the sole criterion, which of course it is not.

A question has been asked why we do not make the present increases temporary. As I have said, this matter was considered carefully in 1918 and the proposal was eventually not adopted, chiefly because of the enormous difficulty of getting an adequate index number. It will be remembered that even in the United Kingdom there have been furious protests against the inadequacy of the index number on such occasions as it happened to show a fall. It is extremely difficult to frame an index number for India, but I would say further that it is also less necessary now than it may have been in 1918 or 1919. We are not likely to see catastrophic changes in prices of the kind that have been taking place in the last ten years. It is possible that there may be considerable variations, but not catastrophic variations of the kind that have taken place. The other countries which have adopted the bonus system are now in most cases engaged in converting the bonus increase into a basic pay. They are leaving the bonus system because it is seen to have outlived its usefulness. I do not think that the introduction of a bonus system here would be valuable having regard to the difficulties of an index number, nor important having regard to the comparatively small fluctuations which are likely to occur in the next decade. Moreover, under the proposals of the Lee Commission as modified by the Government, there is one automatic variable, namely, the overseas pay in sterling. This will vary up and down so long as we have a fluctuating exchange value of rupee in terms of sterling. If my Honourable friend Sir Purshotamdas Thakurdas's Bills were passed and the exchange fixed in terms of gold, there would still be just as much fluctuation in terms of sterling until sterling arrives at par with gold. I should like now to turn for a moment to the amendment which we have now under consideration.

Khan Bahadur W. M. Hussanally (Sind: Muhammadan Rural): May I, Sir, inquire whether these figures and statistics which are now being placed before us were supplied to the Lee Commission, and, if so, why they were not embodied in the Report so as to allow us to consider them in dealing with its recommendations ?

The Honourable Sir Basil Blackett: The Lee Commission certainly had figures before them. They were the judges of what was necessary to be embodied in their Report, and I do not think that I can be called upon to answer a question as to why they chose not to do something. There are many other questions of that sort which we might spend our time on.

The amendment which we have before us, like some of the other amendments on the paper, is a lengthy one. The original Resolution is brevity itself in comparison with the amendment, and I think that the discussions that we have been having on this subject have not erred on the side of terseness. I shall make that my excuse to ask you, Sir, and the House to bear with me if I exceed by a little my time-limit, but I will endeavour to keep my excess within the narrowest possible bounds. Like Colonel Crawford, whom I congratulate on his maiden speech,—and if I may add it, I congratulate him in particular on having been audible to every Member of the House—like Colonel Crawford I am rather startled

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by the facts in the preamble to the amendment. How many of them are really facts ? Let me take them in order. Fact (*a*) says that the Royal Commission " was appointed and allowed to enter upon its functions in utter disregard of the Resolutions passed by the first Assembly." I demur to the adjective " utter " but I will take the rest as a statement of fact. I am even willing to concede for the purposes of argument that at one time the Government of India may have thought that it would be preferable to make the inquiry by some other method than by means of a Royal Commission. But the only point that was in question was what should be the method of inquiry. That was the only point that was in question with the House when it discussed this subject. There was no question but that the problem....

Dr. H. S. Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Not merely the method, but what should be the scope.

The Honourable Sir Basil Blackett: There was no question but that the problem of what should be paid to the Services must be taken up at an early date and could not be postponed much longer—there was no question at all. Obviously, it does not follow that the proposals which have been made by the Royal Commission should be turned down just because the first Assembly did not like the form which the inquiry took. I think I am right in saying that the Honourable Pandit Motilal Nehru himself did not like the form which this Assembly itself took under the Government of India Act. Nevertheless he has entered it and he is taking part in our deliberations. He spoke of the reforms as a wooden horse—I think he said, a hollow wooden horse. My thoughts flew at once to the most famous wooden horse of history. That also was a hollow wooden horse which was fashioned by the divine wisdom of Pallas Athenae for the storming of the citadel of Troy.

Pandit Motilal Nehru (Cities of the U. P.: Non-Muhammadan Urban): I only meant the common rocking horse sold in the shops.

The Honourable Sir Basil Blackett: I am speaking of another hollow wooden horse which was fashioned by divine wisdom. Steel-framed men climbed into its bowels. The Steel-framed army of Troy dragged the wooden horse through a breach in the walls into the inner heart of sacred Ilion. May I suggest to the Honourable Member that the wooden horse of which he speaks is also one fashioned by divine wisdom that it may carry him and Diwan Bahadur Rangachariar and Mr. Jinnah into the inner heart of the citadel, not to storm, not to sack, but that they with the help of the British officials who have dragged the horse into the citadel may realise that responsible government for India which all of us aim at ? I pass on....

Pandit Motilal Nehru : I hope the Honourable Member remembers that he is mixing up the metaphor very much.

The Honourable Sir Basil Blackett : That I understand is the privilege of the modern politician.

Let me pass to fact (*c*) :

" That the terms of reference to the said Royal Commission and the recommendations made by it involve the perpetuation of an antiquated and anachronic system."

I think " anachronic " must be a mistake for " anachronistic ", though I am rather tempted to read it as " chronic." Perpetuation—what does perpetuation mean ? Maintenance in perpetuity. Is there any justification for saying that the terms of reference and the recommendations mean the maintenance in perpetuity of the existing system ? I will pass by the adjectives. I remember that some one complained about 1910 to Mr. Asquith that his brilliant lieutenant Mr. Lloyd George was intolerably inaccurate. Mr. Asquith replied that though his adjectives might be picturesque, his facts, he thought, were usually correct. In this case I think neither the facts nor the adjectives are correct. Indeed there is rather an exuberantly adjectival flavour about the whole of this preamble. Obviously the terms of reference did not involve the perpetuation, nor do the recommendations involve the perpetuation of the present system. Then fact (c) goes on to say " without any attempt to reconstruct the administrative machinery ". Is there not a very large attempt to reconstruct the administrative machinery ? Is it not proposed to provincialise many of the Services and to give an amount of Indianisation which none of the opponents of this Royal Commission at the time when it was under discussion in the House dreamed could possibly be recommended by such a body ? Let me go on to the next fact, fact (*d*) :

" That the terms of reference are based on the unwarranted assumption that the existing system would continue indefinitely."

I admit that the assumption is unwarranted. It is not even in the terms of the Warrant. Moreover the recommendations again and again speak of the further examination that will have to be made by the second Statutory Commission, and it is perfectly obvious that the recommendations are not intended to continue indefinitely but are intended to be, like the rest of the present constitution of India, transitional, and that revision must obviously come about at a comparatively early period. I agree with the Honourable Sir Sivaswamy Aiyer that there is a close connection between the question of constitutional and administrative reform, but I assert with him that the Lee Report proposals do not and cannot interfere with the consideration of constitutional advance. I state categorically that the Lee proposals in the opinion of the Government of India do not in any way interfere with that question. Let me go on to (*e*), that some of the recommendations are intended to deprive the Legislature even of existing powers by suggesting devices to make some items of expenditure non-votable items. For the sake of brevity I will admit that possibly it is a fact, though I think it would be argued that it is not. But I will only suggest that in the interests both of the Legislature and of the Services devices of this kind may be both desirable and necessary. Precisely similar devices have been adopted by the British Parliament to deal with what may be called equivalent conditions. The only conclusion then that I would draw from this fact is that we should consider whether some other method of arriving at the same desirable result might not be adopted. I pass on to fact (*f*). It is quite clearly not a fact that the recommendations have introduced racial discriminations. The discriminations which they have extended existed before. They have not been " introduced " and they are not racial. They are based on domicile. It is a defect rather than a merit of the previously existing system that the same pay and conditions of service were given to Indians as to Europeans, and that it is in the interests both of Government and the Indian tax-payer that such discriminations should be increased and not diminished.

Mr. D. V. Belvi : Has the Honourable Member read a leaflet published by Mr. Latifi, a member of the Indian Civil Service in the Punjab ?

The Honourable Sir Basil Blackett : I pass on to fact (*g*), that the said recommendations make the extraordinary provision that officers appointed to the All-India Services after 1919 should be given guarantees. This amounts, I think, simply to an objection to certain of the proposals made by the Commission. The very purpose of the Government in bringing forward this Resolution is to fulfil both in the letter and in the spirit their promise to give an opportunity to the Assembly to discuss the proposals of the Lee Commission before making their recommendations. If the Assembly has particular objections to these proposals, by all means let it develop them. And here, I am afraid, I must fall foul of two doughty adversaries. Both Colonel Crawford and the Honourable the Pandit object to the peccant phrases " in principle " and " approximately ". Both these phrases were introduced intentionally and purposely because the Government of India, while they hold that the Lee Commission proposals taken in the broad are such that they should be adopted, do repudiate, and the Secretary of State repudiates, the doctrine that every detail of this document is sacrosanct. We are here before the Assembly to hear the Assembly's views on particular questions as well as on the general subject, though the debate has been mainly confined to the general subject and to make our recommendations to the Secretary of State in the light of what is here said. Fact (*h*) is also very much like fact (*g*). It is an objection to a particular proposal on which the Government have already said that they have not arrived at even provisional conclusions on many of the points raised. It also uses the word " perpetuate " and therefore ceases to be a fact. Fact (*i*) refers to the absence of the evidence. We have already heard a good deal about that and I will only, at the risk of rousing the ire of Sir Purshotamdas Thakurdas, remind him that, though the Government of India may have supplied most of the evidence that was before the Inchcape Committee, none of it was published and none of it was made available to the Assembly, and in spite of that fact, although I make no complaint of it, the Assembly continues to press that we should adopt every detail of the Inchcape Report. (*A Voice* : " They had good reasons.") The reasons were no doubt very good ones as they may be in this case. I submit therefore that in the interests of its own reputation the House should not carry this preamble. Even this Assembly cannot make things which are not facts into facts. I hope the Assembly will be wise enough to reject the amendment as a whole, but at any rate let it not state certain adjectival arguments as if they were facts.

Mr. Devaki Prasad Sinha (Chota Nagpur Division : Non-Muhammadan) : Then leave the preamble and pass the rest.

The Honourable Sir Basil Blackett : I am asking that the House should not pass the preamble and I am glad to have the Honourable Member's support. I now come to the recommendations.

Mr. President : I have allowed the Honourable Member considerable latitude as he was replying to criticisms. He is now going beyond them, and I think I must ask him to bring his speech to a close.

The Honourable Sir Basil Blackett : I will therefore leave the recommendations in this first part alone. I will only say that they seem to amount to very little more than this that the control of the Secretary of

State should remain in regard to existing members of the Services, and that recruitment should not be continued. I mention that because it is an important part of my argument in regard to Part II. I have already dealt with the burden on the tax-payer of India. I have submitted evidence to show that though no one likes paying additional charges those additional charges are not impossibly burdensome. I come now to the olive branch. This olive branch is hidden in so many thorns that one scratches one's fingers in trying to reach it. But if the Honourable Member who moved the amendment wanted to offer us an olive branch, why did he not adopt the simple three lines amendment standing in the name of Dr. Gour that the Report should be referred to a Select Committee ? The Honourable Pandit makes an offer to consider the matter in a Select Committee provided he can have the evidence before the Royal Commission which was taken in camera and had to be taken in camera to be obtained at all. (*A Voice* : "Or such other evidence.") Or such other—well I am glad to see he drops the demand for the evidence taken in camera. But he makes it a condition that the financial relief should not be given unless the stoppage of all recruitment outside India takes place. That is I suppose because he does not want to burden the tax-payer. Is that it ? (*Pandit Motilal Nehru* : I want to find the money before promising to pay it.") His difficulty therefore is that he does not want to find the money for the new European recruit. I have had figures worked out. If there were no European recruitment in the next five years there would be a saving of two-fifths of the following figures—two-fifths because three-fifths of the new men will be Indians :—two-fifths of 3½ lakhs in the first year, two-fifths of 7 lakhs in the second year, two-fifths of 10½ in the third, two-fifths of 14 lakhs in the 4th and two-fifths of 17½ lakhs in the fifth year, a total of two-fifths of 52½ lakhs or 21 lakhs in five years. If the Honourable Pandit therefore could be persuaded of the possibility of the Government of India and the Provincial Governments between them finding an additional 21 lakhs spread over the next five years he would, I understand, be willing to consider these proposals on their merits.

Sir Chimanlal Setalvad (Bombay : Nominated Non-Official) : Sir, I am grateful to you for giving me this opportunity of taking part in this debate. For as one who for a period of two years and a half was a member of the Government of Bombay and as such came in close contact and association with the Services, both European and Indian, as one who has for many years advocated a rapid Indianisation of the Services, and as one who gave his evidence before the Lee Commission, I may say in public and not in camera (Hear, hear), I do not desire to give a silent vote. I am afraid, Sir, that the consideration of the question before the House, difficult as it is, is rendered still more difficult by considerable mistrust and misconception on both sides. On the one hand, it is believed that there is hostility against the British element in the Services and that we want to get rid of the British element. On the other hand, the suspicion is that it is through the Services and by the perpetuation of the present system regarding the Services that England wants not only to retain but to tighten its hold on the country. Those are the misconceptions as I conceive them to be on both sides. I may be permitted to assure the Government at once that such hostility as it is believed there exists against the Services is not racial at all. It is against the system under which the Services are maintained (Hear, hear). I can assure Government that all right-thinking persons believe that the admixture and association of

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the European element in the public services is not only desirable but necessary. We also believe that even when India attains full self-government such admixture and association would still be welcome indeed. But what is felt I submit and rightly felt is this, that the extent of such association of the European element and the terms and conditions on which a contented and efficient service both of Europeans and Indians can be secured should be matters for determination by the people of India at every stage through the Government of India and its Legislatures, and are not matters to be determined by some authority outside the country placed thousands of miles away. I may assure Government that it is not the desire of the people to have Indianisation of the Services merely in the sense of the substitution of the European element by the Indian. What is felt is that so long as the Services, whether manned by Europeans or Indians, are recruited and maintained under the system at present obtaining, India can be no nearer to self-government in the sense of having its own agency of government. In fact, what is desired is that the Services should be in the real sense Services as they are in other countries and not the masters and arbiters of policy. Taking this to be the real problem, what I ask is, has the Royal Commission succeeded in solving that problem ? (*A Voice* : " No, no.") I give them every credit for the good work they have done. I do not blame them as other Members have done for arriving at a compromise. It is the one thing to do in politics, to arrive at compromises. In all human affairs you have every day to compromise and to give and take. I do not blame the Commission for what they have done. I also appreciate the difficulties in which they were placed, which account to a certain extent for the infirmities in their decision. They were hustled, they were pressed for time ; the Services were getting impatient and some decisions had to be arrived at as early as possible, and the Commision have done their best. But, taking all that into consideration, I am afraid the verdict to my mind is that they have not succeeded in solving the problem that I have enunciated. I do not propose to go into the details of the recommendations of the Commission, nor into the details that have been brought forward in this House in the debate till now. But I would indicate very shortly the main objections that I have to the conclusions of this Commission.

The first is that they still perpetuate the control of the Secretary of State with regard to the recruitment and control of the Services operating in the reserved subjects. I am quite conscious of the fact that they recommend that as soon as further Departments in the Provinces get transferred and are taken out of the reserved compartment, the Services operating in those Departments will get provincialized. But just consider, Sir, what difficulties in other directions such a proposal involves. It creates and must necessarily create, however unconscious, a bias in the Services against the transfer of reserved subjects into the hands of Ministers. It also creates various complications by reason of vested interests when the time comes from time to time for transferring more subjects to the hands of Ministers. Then, further, the Commission to my mind has failed to deal satisfactorily with one of the main grounds on which Indianisation of the Services has been advocated all these years, namely, the growing needs of public economy. They still keep the basic salaries for the Indians as well as the Europeans the same, while the demand was from every quarter of the country that the new arrangements should be such that

the basic pay so far as the Indians were concerned should be less than the basic pay obtaining now. They failed therefore to solve that part of the problem. As I have said, Sir, there is no disagreement really on the main question. There is no disagreement on the question that we want a certain proportion of the British element in the Services to be maintained for the efficient administration of the country ; and I, Sir, with my experience of the Services venture to say that so far as the British element is concerned—and I am not dissociating from that the Indian members of the Services—I do say that a more loyal, a more devoted, a more hard-working, and a more honest set of public servants it would be difficult to find. We may take it, therefore, that there is no desire on the part of anyone to get rid of the British element in the Services. It may also be taken that everybody is agreed that the Services, however composed, should be efficient and contented. For that purpose every necessary step should be taken and measures adopted to give the members of the Services, both European and Indian, security of tenure and of their salaries and of their pensions. But as I have already indicated, the fear is that, inasmuch as constitutional changes are impending—they may come early or they may come late, they may come after the statutory investigation in 1929, or earlier—the position then will be very much complicated if the present recommendations of the Royal Commission are at once adopted. What I venture therefore to suggest as a solution, if it can be called a solution, is this. Stop the recruitment of the European element for the present. I say advisedly " for the present ", for the very short period of even 4 or 5 years, for the statutory investigation at the latest will come in 1929. The advantage of doing so will be that you will have the consideration of the advance of constitutional reforms considered uncomplicated by any new vested interests that might be created in the meantime or by any new complications that might be created as involved in such reforms. Nothing will be lost, to my mind, Sir, by stopping recruitment for that short period ; and when once we arrive at a stable condition as regards constitutional reforms in this country, when we all settle down to work a constitution which will appeal to the good sense of all people in this country, when we arrive at that stage in a few years, as we all hope to arrive at, then begin your recruitment again ; then there will be no difficulty. There will be some difficulty, I quite admit, in restarting recruitment—but the difficulties to my mind will not be insuperable at all. Do that on the one hand ; on the other hand, I quite admit that the grievances of the Services with regard to their salaries and other matters which the Lee Commission have dealt with have great substance in them. They have waited considerably, and no doubt relief is due to them. And here, again, Sir, I may say from my experience of the Services in Bombay and from such inquiries as I have been able to make and did make when I was in office, that I am convinced that they do require relief. Therefore, why not grant the relief that the Lee Commission has recommended to be given to them, as any further investigation by further Committees or any other bodies would mean further and unnecessary delay ? Therefore, I do appeal to all Members of this House, why cannot they find a solution in the way I have indicated ? Why should not Government agree on their part to stop European recruitment for, say, a period of 5 years, till we settle down to the new advance in constitutional reforms, so that all suspicion about the aims of Government, about the effects of the Lee Commission's conclusions, may be dissipated, so that the new reforms, the new changes, may be inaugurated

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uncomplicated by any new vested interests. In the meantime the Services may immediately get the relief, which, I believe, they are entitled to.

Diwan Bahadur T. Rangachariar : You do not mean the classification ?

Sir Chimanlal Setalvad : What classification ?

Diwan Bahadur T. Rangachariar : All-India Services or Provincial.

Sir Chimanlal Setalvad : All that can wait to be determined after the new advance has been made except the transfer of the control of the Services in the transferred Departments to the Provinces about which there is no difference of opinion. The immediate question is the relief, the pecuniary relief, to be given to the Services. Give that to them by all means at once, but stop putting into execution the other recommendations of the Commission except those on which there is no difference of opinion till the question of constitutional reforms has been considered. I do appeal to Government and to all Members of the House with all the emphasis that I can command and ask them, is it not possible even now to arrive at some such solution as I have ventured to suggest ?

Mr. Jamnadas M. Mehta (Bombay Northern Division : Non-Muhammadan Rural) : Sir, I think the House will agree that the sharp rebuke which Sir Purshotamdas Thakurdas gave to the Honourable Sir Charles Innes was very well deserved, because to drag in the name of the Sovereign to influence the voting in this House is, if I am not mistaken, a serious misdemeanour. Then, Sir, Sir Purshotamdas was unnecessarily exercised over the opinions of those who sit in the House of Lords. I wish he had not wasted his time and that of this House over the opinion of those who do not count in their own country. He ought to know that the House of Lords is never taken seriously in England. Mr. Lloyd George once said that he would like to see the Lords as extinct as the wolves were in England, and if you exclude a few men of letters and of law and a few distinguished public servants, everybody knows that the House of Lords consists of ancient bandits and modern brewers. Therefore, the opinion of that body should not be taken seriously in a matter which concerns the people of this country. More pertinent would be the opinion of a newspaper which is very widely read and very popular and which commands great weight in England, and that is the "Manchester Guardian." What does it say about this Report ? It says in its issue of July 25th last :

"Its Report (meaning the Lee Commission Report) implies that 15 years hence half the Indian Civil Service and 25 years hence half the superior police officers will still be British. The implication is highly distasteful to educated India. India, therefore, must look with jealous eyes at the foreigners who retain the posts which other countries reserve for their own sons. We must remember too that the battle of Swaraj is a battle with a foreign bureaucracy, and that the presence of European civil servants and European police officers is the outward and visible sign of the continuance of foreign rule."

Then, again, the paper goes on to say :

"The work of all police officers and of most Indian civil servants is work for the Provincial Governments. How can there be any genuine provincial autonomy when the provincial servants are British officers who regard the Secretary of State as their chief ? It is delusive to suggest that English administrators may be required even in a self-governing province to act as advisers."

It further goes on to say :

"The Swarajists can, therefore, legitimately argue that the Lee Report postpones provincial autonomy for at least 25 years."

"That argument combined with the natural aversion to expenditure incurred for the benefit of the foreigner will be sufficient to induce all Indian parties "—*and I hope this prophecy will prove true*—" to unite with the Swarajists in making war upon this Report."

That is the opinion not of an Indian extremist, not of a prejudiced critic, but of a paper which commands respect and admiration even in England to-day.

1 P.M.

In giving my support to the very modest amendment of Pandit Motilalji, I can say that I do not want to deal with the composition of the Commission. All that I want to say is that in two or three respects the Commission has not carried out what it was commanded to do by the warrant of the terms of reference. The terms of reference, Sir, do not ask the Commission to differentiate between Indians and the gentlemen of non-Asiatic domicile. Yet, with gross impropriety, the Commission goes out of its way to confine the relief which it proposes to people of what it calls " non-Asiatic domicile." Further, in paragraph 50 of the Report it says that the relief is not to be given to everyone and to everybody, but only to European married officers in the middle of their career. The Indian members in their note on page 101 of the Report say that the sole object was to give relief to European married officers in the middle of their career. The beginners had no grievances and those who were in the latest stages in the service had also none. They were quite well off as they were. therefore, the relief they say ought to be confined to those who were married officers and in the middle of their careers. And yet what is the relief that this Commission proposes ? I have taken some trouble to prepare the whole list of the relief measures that this Commission recommends. All officers young and old get numerous concessions. The only unfortunate people are the Judges and the Chaplains. They do not get anything. The rest of the services have got almost everything they asked for. The number of concessions and privileges is 25. I do not want to recount the whole list. The initial pay is revised in certain cases ; overseas pay is increased twice. Some other privileges are given such as number of promotions, medical relief, increase in pensions, special pensions, commutation of pensions, passages, house rent, and so on. The list is so thorough that I am surprised that the Commission have stopped at that. The picture would have been complete if they had suggested the opening of free soup kitchens for these Services and the provision of some tailor-mades for their wives. That would have been a complete picture, and one would then have wondered what they would do with their salaries. Every conceivable want is provided for without affecting their salaries ; why not then open soup kitchens for these poor waifs who have come to this foreign land, which is a land of regrets, and why not give their wives a few tailor-mades ? Then the salary might be remitted Home at 2 shillings, if necessary. I suppose even the Commission thought that it would be going beyond the bounds of decency to suggest any such thing. Their modesty is just as great as that of Clive who wondered at his moderation although he was in possession of heaps of the Nawab of Bengal's jewels, he knew that he could dictate terms to the Nawab at the point of the bayonet ; that whatever he wanted from the Nawab he could get. Similarly, these Services know fully well that behind the Lee Commission's Report is the army which can enforce all these recommendations if the people hesitate or refuse to grant them. That is the strength behind this Report, and it is neither argument nor reasoning nor evidence that really matters. Then, Sir, the Commission has tried to draw a most lurid picture of the miseries and the

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privations of these Services owing to the alleged rise in the prices but, I regret to say, in a very unfair manner. The prices it compares are those of 1914 It says that the prices have risen since 1914. It also says that school fees have risen since 1914. Thus for the rise of prices it takes as starting point the year 1914 but for the salaries it takes its starting point after the last revisions were given in 1919. I think this is not a fair basis. If you want to take the year 1914 as the starting point, let the prices as well as the salaries be both counted from 1914, but let not the prices be of 1914 and the salaries of 1919 to bolster up the case of the Services. Yet that is what the Commission has done. The Honourable Sir Basil Blackett thought that the figures which Diwan Bahadur Rangachariar gave yesterday were incorrect, and that they were misleading in the sense that he counted from October 1920 and not from December 1919 which was the time of the last increase of salaries. I also felt that difficulty, but since then I have looked up three sources from which the prices can be compared ; one is the Bombay Labour Gazette, the other is the inquiry made by the Bombay Government into wages, and the third is the letter of the Government of India which they wrote to the Currency Committee in 1919 when the question of prices was before that Committee. I have compiled a small comparative statement from all these three sources, and I most respectfully invite the Honourable Sir Basil Blackett and the Government Members and those others who may yet have any doubt in the matter, to go into these three sources of information and then see whether the prices have not definitely come down and whether there is not a tendency for them to come down still further since the last revision of salaries in 1919. If prices in 1919 were Rs. 75 for cost of living, they were in 1923, Rs. 54, and for the period of 1924 which is already passed, they were Rs. 53.

Wheat.—If the price of wheat in 1914 was Rs. 100, in 1919 it was Rs. 187, and in 1924 it was Rs. 111. I know that wheat is not the main food of the Europeans, but I am sure they do eat bread, and sometimes also rice.

The price of rice is :—

					Rs.
In 1914	..	..	..	..	100
1919	..	..	..	..	141
1924	..	..	..	..	142
Salt—					
1914	..	..	..	..	100
1919	..	..	..	..	300
1924	..	..	..	..	158

These are about articles of food and of daily necessity. In regard to imported articles, which include woollen, cotton and silk piecegoods, sugar and other articles which Europeans use, the figures were :—

If in 1914 the figure was Rs. 100, in 1919 it was Rs. 276, and in 1924 it was Rs. 227.

Similar figures both about fuel, clothing, food and non-food articles, if compared for 1919 and 1924 show that there is a steady tendency to fall, and that they have throughout fallen, and it cannot be pretended that there has been any rise since 1919 in the prices of the necessitities of life either as regards food or non-food articles.....

Mr. Darcy Lindsay (Bengal : European) : May I ask the Honourable Member whether he includes the wages of servants, a very considerable item ?

Mr. T. C. Goswami (Calcutta Suburbs : Non-Muhammadan Urban) : And the cost of clothing for Fancy Dress Balls ?

Mr. Jamnadas M. Mehta : I am glad my friend has raised that point. I was looking up some budgets of expenditure of Europeans ; there have been plenty such published recently. I have also read of an officer of the Bombay Government complaining in the Press that the only saving a European had at the end of his service was barely sufficient for a decent funeral. Well, I do not know whether that is correct, but if that is correct, I do not wonder either because I find in the sample budgets above referred to a provision made for seven servants for husband and wife. Not one, two, three or four servants, but the people, who want seven servants for husband and wife and one child, and when another child is borne a nurse and ayah are added—it is no wonder if they cannot save anything without inconvenience. I for one do not wonder at all. That only shows the immense extravagance of the way of life of these people when husband and wife require 7 servants (*An Honourable Member* : " Eleven "). Yes ; there are Budgets with eleven servants but I am as moderate as my Chief and I have taken the lowest figure.

Thus it will be seen that prices have not risen, and when you take into consideration that the exchange was at 2|8*d.* in 1919 and to-day it is barely above 1|4*d.*, you will find that the prices of 1919 must be regarded as 100 per cent. more than they have been actually quoted to be. So the prices of 5 years ago were more than twice as high as they are to-day ; and yet although revision was made in 1919 we are asked to have a further revision. Not a particle of evidence is furnished in this book. The tendency is to give as little reasoning as possible, to make statements like an oracle and not reason out things, to shut out evidence which may be relevant on the question. It is the Services who want an increase and it is the Commission who recommends it. They ought to produce evidence. They produce none. All the evidence is to the contrary. And I wonder that there should be in this House people with such large hearts who in face of the evidence, in spite of the evidence which I have to-day produced from official sources, should simply say " Relief is overdue." If at all relief is overdue, it is to the Indian tax-payer and not to the Services. I wish in revising salaries in 1919, Mr. Montagu had not raised them by 30 per cent. but reduced them by 30 per cent.

Mr. President : I must remind the Honourable Member that he has reached his time limit.

Mr. Jamnadas M. Mehta : May I go on for three minutes more, Sir. The last thing I wish to say is this. Apart from the question of prices, apart from the question of Indianisation, the one thing which we resent most is that there should be such immense suspicion of the Indian Legislature and of the Indian nation in the minds of the Services. Every proposal of the Commission is based on a suspicion of this country. If European gentlemen want to be servants of this country and of its people, then the least they can do is to show their confidence and their trust in them. If you want every guarantee against your masters, if you want every security against being disciplined by your masters, then certainly your masters will begin to feel suspicious of you. I do say this—I am prepared to waive all other considerations if the Services are ready and willing to come under the control of the Indian Legislature and the Indian people who are their masters. Without that control we are

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bound to be suspicious especially when it was seriously suggested to the Commission by some officers that the capitalised value of their pensions should be deposited in England before they came to serve here. Even this Commission felt ashamed to agree to that. Under these circumstances unless the control is transferred to this country, we cannot agree to anything either in the nature of relief or in the nature of future recruitment under the present system. What we want is this. After this front Government row has retired in honour, with honours and privileges, we do not want the next row to come in without our permission to the front row. That is the real meaning of the Panditji's amendment. Let me state the position more concretely. There is an old and experienced leader here to give his permission to the next row to come to the front, and the plain meaning of the amendment before the House is that, unless Pandit Motilal Nehru and his followers permit, the second row should not come over to the first. If it does it shall be with the approval and with the consent of Pandit Motilal Nehru and his friends and not otherwise. If Government are prepared to accept that position, then this Report can be considered on its merits ; we cannot agree to any further recruitment under the present system. Every such fresh recruit is a further fetter in the way of India's freedom and you cannot expect the House to agree any more to its own and the country's enchainment, without grossly betraying the people who have sent us here.

Mr. E. F. Sykes (Bombay : European) : Sir, I think it would be desirable for me on the first occasion of addressing this House to follow the example of my gallant friend (Colonel Crawford) by explaining any connection I may have with the Services. I may say quite shortly that although I have been employed under various administrations I have never belonged to any of these Services whose pay and allowances are under discussion to-day. I would like to say on behalf of my constituents that while I consider the Report of this Commission conceedes more than is desirable in the direction of Indianisation, yet in view of the fact that it is a unanimous report we consider that the proposals should be accepted as the best practical solution in existing circumstances.

Now, Sir, these remarks have referred to one point only in which they consider that the Report of the Commission is not all that it might be. There are other points too, but my constituents, being on the whole practical men, find that it is much more desirable that there should be some settlement than that any particular settlement should be arrived at and they also consider it improbable that any better settlement than the one proposed by the Commission could be envolved by further discussion.

You will find on the paper two amendments by Colonel Crawford which indicate a desire on our part to have the words of the Honourable Mover of the Resolution amplified. We have already had an assurance from the Honourable Commerce Member which removes most of our doubts on the subject ; we, like the Honourable Finance Member, naturally do not expect every word of the Commission to be held sacrosanct ; we know very well that in carrying out these recommendations the Secretary of State will be obliged to modify it in details ; but we wish it to be clearly understood that our acceptance of the recommendations of the Commission is conditional on there being only absolutely essential modifications made.

One other point that I wish to mention is that we are very glad of the assurance that we received from the Honourable the Home Member with regard to the Public Services Commission. There was a great deal of doubt as to how far this Public Services Commission was meant to deal with provincial services. I understand from what he said the other day that it will apply to all Services whether they are under the Central Government or under the Provinces.

I wish now to say a few words about the amendment which is under discussion, the amendment of the Honourable Pandit. It is very long and has been dealt with in detail by the Honourable Finance Member and I merely wish to take two general points. The first argument that is put forward is that it is no use taking any action on the Report of this Commission because in a very short time the Services will be totally changed, and that it only confuses the servants of Government if we alter the conditions of the service to-day—and then have to alter them to-morrow. I do not think on the whole that the intentions of the Honourable the Home Member and the intentions of the Honourable Mover of the amendment are different. They are both looking forward to constitutional development in this country and incidentally to the Indianisation of the Services, though I agree with my Honourable friend here that the latter is not a matter of first importance. The only difference that I can see between them is one of time. The Honourable Pandit imagines that time is going by with a whizz. I think there are very few of us that will agree with the Honourable Pandit when he assumes that the Committee which is engaged in considering the working of the Government of India Act of 1919 is going to propose constitutional revolutions and that the Government of the United Kingdom is going to accept these propositions. For my part I think that is a very exaggerated assumption. If we look back to see the stages by which we have arrived at the present state of affairs, we shall see that there has always been a very long period of consideration, and further on no previous occasions have we been confined by the provisions of an Act of Parliament. The Act of Parliament provides for a Statutory Committee to revise the present constitutional arrangements at the end of 10 years, and I think we have no grounds for assuming that Parliament is going to accept any other procedure. They may ; they may not. But at the same time from the practical point of view we would be wise in assuming that they are not going to. Now, it has been admitted on all hands that these alterations in pay and allowances proposed by the Commission are four years overdue. We have five years before the Statutory Committee can sit and at least one year before they can act. There we have ten years. Now, one of my Honourable friends remarked yesterday that ten years is as far as practical statesmen can look, and we all agree with him. If we go back by ten years at a time, although we do not see a large increase in the total emoluments of Government servants, we still find very considerable changes in their terms of service. And there is no particular reason why, I submit, these reforms should be postponed to an indefinite date which will make the period over which their action extends perhaps 15 or even 20 years. As to the exact time after which constitutional change is likely to occur, I am afraid I must differ very much from the Honourable Pandit because, if you look back over the history even of England, you will find that the constitutional changes have taken a very long time.

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The other principal point in the Honourable Pandit's speech is the question of Indianisation. Now, it is a very controversial subject and it is a subject that is generally considered to be one requiring tactful handling, and I do not wish to stir up any unpleasantness in discussing this question and therefore I shall have to deal very generally with it. Now, I may say that my own views have been formed in the course of friendship and long intercourse with a very large variety of Indians. I have been up and down the country quite freely and I have met a very large number of them and the opinion I have formed,—not by way of argument and theory, but by forming a subconscious judgment based on hundreds of small occurrences that one can hardly recollect—is that it is an unwarranted assumption that Indians on the whole desire a complete and immediate Indianisation of their Services. The first thing that after all is necessary for the Indianisation of the Services is that Indians should be prepared to come forward to man them. Now I would like to mention two incidents that I remember. His Excellency the Governor of Madras at some time during the last four years—I forget which year, probably 1922—sat as President of a Committee. The Committee, a far as I remember, was to recommend candidates for admission to Sandhurst. These candidates apparently were to be admitted without appearing for the examination. Well, it may be considered that these were rather fortunate people. The next announcement on the subject was that in the absence of candidates the Committee had dissolved.

Perhaps, that is not a good example, because the selection of Indians for King's Commission is a new thing. When we come to a neighbouring province what do we find ? A notice was issued that the Bombay Government wished for applicants to join the Forest Department. The qualifications demanded, as far as I remember, were that the applicants should have a science degree and presumably be physically fit. When we consider that these candidates were to be trained at Oxford at the public expense, that they would spend their lives pleasantly in the forest service and in the end would retire with an ample pension, one would have imagined that the place would be filled with candidates. As far as I remember, there may have been two candidates, but certainly not more. It is rather difficult to see how the Services are going to be filled with Indians if they will not come forward to join them.

Since we came up to Simla, a pamphlet has been circulated by an Honourable Member of this House, which I think rather explains the views of Indians towards Indianisation. The proposals for the Indianisation of the Army were, one would think, extremely favourable. The Indian Officer was to be introduced into the regiment and, as he was fitted to take his place, he was to get his promotion in the ordinary course and his place would be filled with other Indians and so Indians would have an opportunity of showing what they can do. But the wording of this pamphlet is extremely significant. It is said here that what the Indians desire is to mix with English officers of the same status and to serve in the same regiment on equal terms. Now, a large number of Indians, I am inclined to think, hold the same view. The reasons are of course very complicated and cannot be dealt with in the time at my disposal. The proposal of my Honourable friend to suspend recruitment from Europe is surprising. This matter has been dealt with by the Commission, and I should have thought, dealt with satisfactorily. The proposal is based on the assumption that there will

be early large constitutional changes and I cannot see any grounds for that assumption. Before we can have any of these changes the Parliament of the United Kingdom has got to be satisfied that they are desirable, and it is very difficult for anybody to say what the Parliament will think in regard to that subject. It seems to me that they will require very considerable proof that good use has been made of the concessions granted in 1919 before they are willing to extend them.

The Assembly then adjourned for Lunch till Thirty-Five Minutes Past Two of the Clock.

The Assembly re-assembled after Lunch at Thirty-Five Minutes Past Two of the Clock, Mr. President in the Chair.

Mr. M. A. Jinnah (Bombay City : Muhammadan Urban) : Sir, in the first instance, I wish to express my appreciation of the method, manner and the tone of the Honourable the Home Member who moved this Resolution. He has tried to put his case before the House as fairly as could be expected from him representing the Government of India, although I noticed that in what he has said there underlies a very important principle which he has asserted and which gives us an indication of an iron hand under the velvet glove. Sir, there is one other matter to which I wish to refer before I come to the merits of this Resolution. I am also very glad that he thought it proper to emphasise the question which has been exercising the feelings of the Muhammadans, namely, that their position in the Indiansiation of the Services must be fairly recognised. Speaking on behalf of my Colleagues here who would agree with me, the Muhammadans do not desire anything else but their just and fair share and their proper rights, and I feel confident also that there is no Hindu Member in this House who would for a single moment grudge to the Mussulmans their just and fair rights ; and I am glad that the Home Member has also recognised that in his speech.

Having said this much, Sir, I will now deal with this Lee Commission Report. Sir, it is one of the most important and one of the most vital questions affecting India. The gravity or the importance of it cannot be exaggerated. The question that we are discussing to-day involves two very great principles, and they are so interwoven that you cannot separate them. They are first, the further constitutional advance, and secondly, the administrative reform of the Superior Services. Sir, this House and I think everybody must recognize that this therefore is a paramount question, a question of the very first importance. Now I think it was Sir Basil Blackett who aspired to be a modern politician, and although Sir Charles Innes confessed his inability to indulge in dialectics he did so indulge, and they took the preamble of the amendment of Pandit Motilal Nehru and objected to the adjectives. I am quite willing, Sir, that we should cross the ' t's ' and dot the 'i's ' but I want to ask a straight question and I want this House to understand the real meaning of that preamble. First of all I think it must be admitted in all fairness that this House has got a grievance. If it had any self-respect for itself it could not possibly allow this opportunity to pass without expressing its protest at the manner in which this Royal Commission was appointed. This House was sitting :

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in session in the cold weather of 1923, when the Secretary of State without consulting it, without giving it an opportunity to discuss the matter, appointed a Royal Commission. Sir Charles Innes says "Oh, but this Commission has been appointed by the King-Emperor". And therefore what? Therefore why discuss it at all? Surely an experienced officer like Sir Charles Innes ought not to have used that argument at all. Sir, this Royal Commission was appointed by the British Government and this Legislature has every right to deal with the recommendations of the Commission.

Now, I ask the next question. After the appointment of the Royal Commission was announced Sir Basil Blackett, who as usual can always find money when he likes, brought in this item and came to this Assembly with a demand for the grant for the expenses of the Royal Commission. The House perfectly rightly, as a protest, rejected the grant. Now, Sir, is that not a grievance and is this House not entitled to say that this ought not to have been done? The next point is, this Royal Commission was appointed and I know and this House knows, having read the recommendations of the Commission, that they felt embarrassed to this extent which I shall point out in a moment, that there was this question of future constitutional advancement under consideration and there was, as we all know, an insistent demand for it in the country for the last three years. But this Royal Commission was appointed to do what? To do this—sub-paragraph 3 of paragraph 1 says:

"The recruitment of Europeans and Indians respectively for which provision should be made under the constitution established by the Government of India Act and the best methods of assuring and maintaining such recruitment."

So the Royal Commission had to assume that any recommendations that they might make could only be on the assumption that the Government of India Act of 1919 could not be touched except in the manner provided therein. But it seems there was a great deal of discussion amongst the members of the Commission. There was a difference of opinion, and this is what they say at page 7:

"We are agreed that in the present conditions, the appointment and control over these Services must continue to vest in the Secretary of State. Some of our members think that the conclusion follows inevitably from the principles implicit in the Government of India Act. Others of our members are not prepared to accept this view and hold that such a transfer is contemplated by the provisions of the Act. In spite, however, of our inability to agree on the constitutional position, we are agreed that the Secretary of State should for the present retain his powers of appointment and control of the All-India Services."

Sir, the House will therefore see that the Lee Commission take it for granted that the question of control and recruitment must vest in the Secretary of State for India. In one place they say:

"It is possible that some difficulties may arise in the future development of self-government for India if some provision was not made in view of our recommendations."

And what provision do they make? The provision they make is this, that if any member of the Superior Services is transferred to service under the transferred subjects, he would be entitled to retire on a proportionate pension. Well, therefore, I think it is quite clear that the Lee Commission was tied down to make this recommendation on the assumption that the Government of India Act cannot be altered. Now I ask this House, and I ask you on the opposite side fairly to tell us if you are going to

carry out this recommendation of the Lee Commission with regard to the control and the recruitment, will that or will that not be an enormous obstacle to any serious changes in the Government of India Act or in the advance of the constitution ? Can it be said that it will not be an obstacle ? Now I am right to that extent that it is essential for you to reform the Services, their organization and their composition, and that is at the root of any further constitutional advance. Only last February we passed a Resolution by a great majority in this House that we want further constitutional advance ; you yourself have thought it fit to appoint a Reforms Inquiry Committee, and the Reforms Inquiry Committee is going on with its work : and you come to us now at this moment and ask us to accept the recommendations of the Lee Commission ? What are the implications of the recommendations of the Lee Commission ? They are these : the control and recruitment of the Services are to vest in the Secretary of State for India. I am taking it roughly, and I am dealing particularly, mainly, with the two pivotal services, the Civil Service and the Police ; and in those two Services in the course of 15 years and 25 years we reach the percentage of 50 and 50. That means that at the end of 15 or 25 years we shall have 50 per cent. Indians and 50 per cent. Englishmen. Now, Sir, when we have that, supposing we have to make constitutional changes, do you expect us to give our consent to that ? But, says Sir Sivaswamy Aiyer, that is not the only ground. His ground is that if you want really to Indianise these Services, you must stop the recruitment altogether, and he says that you have already got a sufficient element of the English in these two Services, and even if you stop further recruitment, you will take a considerable time before you get that percentage of 50 and 50. I entirely agree with him. Out of the total number of roughly 1,400 members of the Civil Service, how many Indians have we got to-day ? The number is 164. Well, even if we have got to get that 50 per cent. of that 1,400, how long will it take, how many years will it take, even if you stop recruitment completely ? Now, Sir, I ask the House, if you think and if you really honestly wish to consider this question fairly and if you agree to this proposition that this system of service is out of date, that this system of service cannot continue in view of the fact that you are assimilating India more and more towards democratic and responsible government, then this system of service must be reformed without further delay ; otherwise it is going to be a formidable obstacle both in your way and in our way. If you are convinced of that, are you not convinced of this that to-day the British element in the Civil Service, as I pointed out, is something like 1,200 and odd against 164 Indians ? Are you afraid that there will be a revolution if you stop further recruitment ? Are you afraid that law and order will suffer if you stop further recruitment ? What are you afraid of ? I can only come to one conclusion, Sir, and that is that you want to delay it, you want to put off the evil day, and you want us to give our consent to the recommendations of the Lee Commission, which will make our position impossible when we come to discuss the greater and far more important question of constitutional reforms. Sir, on that ground I cannot give my consent and I do urge that further recruitment under the present system should be stopped, that the control of the Secretary of State for India must be taken away and it should be vested in the Government, and that we should have a Public Services Commission for the purpose of future recruitment. Then, I shall be told—I cannot understand why—that the Civil Service and the other Services seem to think that if the Government of India have the control, they will be in a mortal

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grip and that they will be in danger. But surely that is not really a very nice reflection on the Government. But I can understand my friends there will say " it is not the Government of India that we are afraid of, but it is you fellows here in this Assembly that we are afraid of." But I say, Sir,—and I can say it with implicit confidence—that there is no man on our side who would make the slightest attempt to break any promise that has already been made to the existing or the present incumbents ; and I venture to say, Sir, that whatever may be our faults, if we had to decide and if the responsibility was placed on us, I feel confident that we should decide in the fairest and justest manner towards our own Services. Sir, I entirely subscribe to the proposition that no Government can possibly be unfair or unjust to its Services. On the contrary, I maintain that it is the obligation, legal and moral, of every Government to see that the just grievances of the Services are redressed. Therefore, as far as this question of recruitment is concerned, I submit to this House—and I do not merely wish to make a statement but I want to reason with this House—what is the objection which has been urged up to the present moment by the Government to stopping this recruitment ? There is only one objection. As far as I have been able to gather from the debate, that objection came from the Honourable the Home Member and that, Sir, I call the iron hand under a velvet glove. He said—and I think I am quoting him rightly, if I am wrong he will correct me—that so long as the Empire is in charge of the defence of this country, so long must we have a definite element of British in the Civil Services. What does that mean ? May I know how long the Empire is going to be in charge of the defence of this country and when will the Empire be able to say to India—" Now you can take over the defence " ? Till then, this bureaucratic system of Government is to continue. Till then, there can be no advance towards self-government. Sir, if that is the intention of the Government on the other side, then I say that the whole thing is a camouflage. Things come to an end there and we can never agree. If your intentions are that you want an administrative reform and that you want to maintain the traditional characteristics of the service—not British, not white and dark—so that you may soon get the traditional characteristics of the service and on that footing you go on freely to recruit from amongst the people of India, then I can understand it. I ask, Sir, what have we got in Mysore ? How many British are there in the Mysore Civil Service ? How many British are there in the Mysore Police Service ? And are those districts not well managed ? I can tell the Honourable the Home Member that there is not one Englishman in the Mysore Civil Service. Perhaps there may be one in the Police. Is not the State of Mysore well-managed ? Are not the people there happy ?

The next point which I want to deal with is this. As was pointed out the other day, the position of this Assembly really is this. If the Secretary of State is really all-powerful and we are asked merely to have this debate, then I would be inclined to agree with the feeling of those Members who do not see the use of having this debate. But, Sir, I am very glad to note that the Secretary of State for India, speaking, I believe, with the authority of His Majesty's Government, in the House of Lords said this :

" The Secretary of State for India in Council, who is, as the noble Lord has pointed out, the final arbiter responsible to Parliament in regard to practically the

whole field covered by the Report, must necessarily subject the Report to a thorough examination on points both of principle and detail. The mere fact that he stated that he accepts the view that the Report must be treated as a whole cannot of course in any way absolve him from the duty of examining the Report in all its bearings or commit him in advance to the acceptance of each and every recommendation just as it stands. He must also use the occasion to determine which of the recommendations and their relation to the Report as a whole will from their nature require priority of treatment."

Therefore the Secretary of State for India has reserved to himself the right to examine in principle and details the Lee Commission recommendations. That is the one bright feature which enables me to stand up here still full of hope, that there is a chance, although the Government of India have burned their boats by bringing this Resolution forward. Now, Sir, if the Secretary of State for India says, he is not going to commit himself to these recommendations in principle or details, what are we to do ? Are we to examine this in principle or details or not ? Are we to give our intelligent opinion or not ? There is the Honourable the Home Member, who says there is such a thing as *factum valet* ; the Commission was appointed ; it was composed of.....

3 P.M.

The Honourable Sir Alexander Muddiman (Home Member) : The Honourable Member will excuse me : I never suggested *factum valet* in regard to the recommendations of the Commission.

Mr. M. A. Jinnah : No, the Honourable Member said this : there was a Commission composed of eminent Indians and eminent Englishmen ; they have looked into everything ; they have given every consideration, and now surely you must really depend on their judgment, and so on....

Mr. President : I must ask the Honourable Member to bring his remarks to a close.

Mr. M. A. Jinnah : Sir, I am not going to be very long ; I will only say this. The Honourable the Home Member really does us a very great injustice when he asks us to dispose of this Report in this way. No evidence is placed before us, no materials even on which the Government of India came to their decision in support of this Resolution are placed before us, and further, when we press the Government, what do we get ? We get Sir Basil Blackett getting up at the fag end of the debate and bombarding us with his usual figures (Laughter). Well, Sir, I do not aspire to be a modern financier and I do not think I shall ever be a financier, and for myself I should like to have a little more time before I understand them. Therefore it is impossible for this House to accept the recommendations of the Lee Commission on these grounds. What have we got ? We have got a number of recommendations as to the increase of emoluments, and I have only this much to say : we are prepared—do not treat this last paragraph of our amendment lightly,—we are prepared honestly, earnestly, sincerely to redress the just and urgent grievances of the Services ; we are prepared to do that. What do we ask you to do ? We ask you to do only this : let us have a Committee straight away, only with regard to this, namely, to determine what should be paid for relief to the Services. We are asking you to give us a Committee straight away. We are willing to sit ; place such materials as you can before us ; do not take shelter under the excuse that the evidence before the Lee Commission was given in camera and is confidential. Place such materials as you can before us ; give us a Committee of both officials and non-officials and let us sit together. We are willing to go to the Committee straight away and I assure you, and I speak not only for myself but for my Colleagues and for my party, that we have every desire to meet the just and urgent grievances of the Services. That is the olive branch,—you

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say it is the olive branch—that we offer you, and it was rejected *ex cathedra* by Sir Charles Innes, speaking on behalf of the Government, with thanks, of course I know that ! Sir, if this is how you are going to treat the opinion of this House, of this side of the House, we say stop recruitment. We say we are willing to meet the just grievances of the Services.

There is only one word I would like to say, Sir, with regard to the Medical Service. I say, Sir, that the Honourable Member in charge of that Department spoke at great length and I really am surprised how he has come to give his consent—not only given his consent but that he should have shown so much enthusiasm at the great advancement that was made in that recommendation. What is the advancement ? The Honourable Member should have been the last, having had the experience he has had—and I know when he used to sit on this side of the House it was very difficult to convince him on these subjects,—to accept it. What has he done ? He has done this. He has accepted a principle which to my mind, with the utmost respect to my English friends, is a most vicious principle, namely, that Europeans should have a European medical officer to attend to them. It is a vicious principle ; it is an intolerable principle. You yourselves tell us " Let there be no racial distinctions ;" (*Diwan Bahadur T. Rangachariar* : " No caste distinctions.") " Let there be no racial hatreds " ; and you solemnly and seriously as the Government of India come here and say " Europeans must have European medical attendants ". No matter how qualified an Indian may be, you will not have him. Yesterday Colonel Crawford said he was treated by Indians and I see that he is looking quite healthy. I ask the Honourable Sir Narasimha Sarma how he came to be a party to that principle. And what is more, he said " But you see there is no real racial distinction at all ; you are mistaken ! " If this is not racial distinction, I do not know what is.

One more thing about the Civil Medical Service. The Honourable Member says there is a great advantage in this. It is perfectly true we have to absorb the Army Reserve into the Civil Medical Service ; but you must not forget that the Civil Medical Service will then be under the control of the Provincial Government. Is that correct ? Did I understand him correctly ? But does the Honourable Member know the implications of that—that you have at least one portion of your Civil Medical Service, namely, the reserves that you will absorb, not under your control but under the control of the Secretary of State for India. Does he want this hybrid system to be perpetuated ? Is that reform a desirable thing ? On the contrary, Sir, I should have thought the view of the Honourable Member when he used to sit on this side, if I remember rightly, was that there should be a Civil Medical Service liable to be called up at any time of emergency or war.

I can only say this in conclusion, you have no choice ; the Government say " Accept all the recommendations ". We say " No ; recruitment must stop at once ; and further, we are willing to meet the just grievances of the Services ; give us a proper opportunity and we will do it. If you do not, we cannot exercise our intelligent judgment, and therefore we will not accept the recommendations of the Lee Commission."

One more word. I think I understood Colonel Crawford to say that this House would earn the reputation of being an uncivilised House if it did not accept the recommendations of the Lee Commission. On the contrary I say not only will this House earn the reputation of being uncivilised if it

blindly, without proper material, accepts the recommendations of the Lee Commission, but it will certainly be worse than an uncivilised House. One more thing I say to Colonel Crawford and that is this. He talked a great deal of acumen and I think the Honourable Member in charge of Education talked of the larger point. I do not know what implication the word "acumen" has or the words "the larger point" have ; but, Sir, does it mean this that we are expected to vote blindly for some favours to come hereafter ? And what are those favours ? Neither has Colonel Crawford nor has the Honourable Member in charge of Education favoured us with any indication of the favours that will follow if we vote blindly now.

Mr. W. S. J. Willson (Associated Chambers of Commerce : Nominated Non-Official) : Sir, I shall not attempt to follow my friend, Mr. Jinnah, into the legal arguments which he has raised ; because in the first place I have no interest in legal matters whatever and in the second place I would not be competent to deal with them, even if I had. I prefer first to press my own claims and demands on the Home Member and I will join issue sooner or later—perhaps sooner, I think—with Mr. Jinnah and those who think with him that we cannot consider the Lee Report in regard to the pay of the Services until there has been settled the questions of constitutional advance and pay of the subordinate services. To my mind—non-legal mind, I am glad to say—those matters seem entirely outside the scope of the matter we are dealing with here, which is the "Report of the Royal Commission on the Superior Services in India." I think that my learned friend Mr. Shanmukham Chetty and others are entirely wrong in dragging across the trail the question of the subordinate services. Were it not so, I should like to make some remarks upon the question of the old uncovenanted services not dealt with in this Report. But as I consider that I should be out of order in so doing, I merely record the point that we are not satisfied, that nothing has been done for them and we hope their case will be considered at another proper time upon its own merits.

Sir, no one expected that the Lee Commission Report could be swallowed wholesale like a prairie oyster. A report of this magnitude must of course provoke a good deal of discussion and a good deal of differences of opinion and I for my part—non-legal mind, again,—am devoutly thankful that we are not having the evidence of the 411 witnesses before us. Were it so, we should require thirty days for debate instead of three. For my part I am content to accept—not that I agree with it all—but to accept as a fair finding on that evidence, the Report which has been put up by the Lee Commission. I am sorry, I am very sorry, that it has been said in this House and implied as well as said outside that Indians have not trusted the Indian representatives on that Commission. Now, with that I directly join issue. One, a member of this House, Mr. Samarth, is a man for whom I personally have the very highest respect (Hear, hear) and who has influenced my own point of view and my decisions on previous occasions ; I refuse for one minute to believe that that man was ever unfairly talked out of any view that was his except upon conviction. I think Sir Purshotamdas Thakurdas was wrong in attempting to make a point that the British conceded minor points and the Indians conceded the maximum. I think also it is a pity that amateur statisticians have produced a lot of figures to further cloud the issue, whereas Sir Basil Blackett, our figure authority,

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has capably handled those statistics in reply. I shall make no reference to figures at all. It is a pity that a great many leaders refuse to recognise that there are conditions of hardship at all, but I say that no amount of argument can override the fact outstanding in that Report, that there are conditions of real hardship and trouble. There are two reasons for this refusal, partly because Indian politicians are very averse to any increase of expenditure and partly because their political creed is against it. But, Sir, parsimony does not pay. It pays to have efficiency : efficiency is economy. The Report shows, as I have said, that debts undoubtedly exist. It shows further that insurance policies, originally, generally taken out as provisions for widows, have been pledged and that is a very sad state of affairs. The Report further brings out—juggle with figures how you like—that the increased cost of living is 60 per cent. and surely we might accept the finding of the Lee Commission on those figures. They at least had before them, I presume, all the evidence which is open to Members such as myself. I say, Sir, that the relief recommended by this Report is the minimum compatible with the increased cost of living. It is a compromise. The whole Report is a compromise, which has been well recognised in this House. The recommendations of the Report are so interdependent, that we cannot and ought not to attempt to separate them and on behalf of my constituents I say we are prepared to recommend them as a whole. I shall return to that matter a little later on. Now, Sir, I go further and I say—I am just as much entitled to criticise the Report as anybody else—I say the Report goes too far in some ways. It goes farther in the matter of Indianisation than a great many of us believe to be safe or desirable in such a hurry. On the other hand, I say that it is an injustice and a great hardship upon many members of the Services, the Police, Post Office, etc., who get no increase of pay whatever if they have reached the stage of Rs. 2,150. I am told—and I believe it— that these recommendations will not encourage recruitment. Sir, why should they ? Why should these recommendations encourage recruitment ? How do they compare with what commercial firms pay their staff ? Sir Purshotamdas Thakurdas gave some figures this morning, but he might have told you that he himself or rather the Company of which he is a Director, was very glad to take out of the Indian Civil Service two distinguished members of it and pay them a very considerably increased pay to join the Tata Steel Works. Even passages have been somewhat resented by Members. Well, what are the passages ? I believe the maximum is 4. In my 25 years' service in commerce—thank goodness it was not under the Government of India—I have had no less than 8 passages. These passages were not given to me out of love or because I was a relation of the firm or because they wished to be generous to me—they gave them to me because it paid them, because my energies were refreshed by a holiday, which was much overdue usually, and it kept me in health. I jotted down the other day, just so that Members of the House may have some means of comparing what mercantile firms give as compared with Government, a few little details as regards concessions such as passages, etc., and I find my late firm pay a passage to join the service, a passage if one broke down in health, a passage at the end of one's service, or funeral expenses if you died and could not go home. During the service they pay doctors' bills, tiffin is provided in office, and on transfer costs of removal, and including sometimes loss due

to the selling of furniture is paid, and subscription to the Clubs, which are necessary. I was also paid the fare of my horse. Members of commercial firms are not put to the expense of Government servants in respect of uniforms, books and subscriptions because the firms pay the latter handsomely to save their youngermen from having to contribute also. Occasional bonuses are given and advances are allowed free when people are hard up, as they usually are. What happens in Government service ? Why even before the Lee Report is put in force or debated at all the Finance Department introduce a new rule charging 5 per cent. on the advances. In fact there is a new debit before you get the benefit of the advances contemplated under the new reforms ! The firm also gives a motor allowance in many cases and in others many assistants get taken to or from office in office cars. The firm pays for all our postage stamps, our stationery, and there are no departmental restrictions on any investments you may choose to make. Up-country we frequently give house-allowances or provide houses which include as often as not electric fans, lights, fuel, etc., and we often paid for or supplied ice.

Mr. M. A. Jinnah : Do commercial firms give any pension ?

Mr. W. S. J. Willson : Some do, Sir. Mine did not.

Mr. M. A. Jinnah : Yours do not. No wonder you are liberal.

Mr. W. S. J. Willson : Now, Sir, I think I have made the point that there is no attraction towards recruitments.

Turning to the Lee Report I find this remark with which I entirely agree :

> " We are confident that India still needs the services of broad-minded Englishmen and will long continue to need them."

Now, Sir, high tributes have been paid to the Indian Civil Service but time will not permit me to do more than associate myself with them without further repetition.

Sir Purshotamdas Thakurdas : I am sorry to interrupt the Honourable Member. Before he leaves the point altogether he might tell us if his firm grants proportionate pensions in case their staff wish to leave the firm because of their not agreeing with the seniors ? He might complete the whole question.

Mr. W. S. J. Willson : If the maximum pay of appointment that a man had been able to rise to were only the Rs. 3,000 or 3,500 as contemplated by some Members of the House he might perhaps have expected either pension or....

Sir Purshotamdas Thakurdas : Proportionate pension in case of leaving.

Mr. W. S. J. Willson : He might perhaps have expected a gratuity or pension, but when he is paid a figure running into six figures per annum he could scarcely expect to be paid any pension, proportionate or otherwise.

Sir, the attitude of this Assembly over this vitally important question might, I agree with Col. Crawford, be regarded at home as some contribution, some test, of what views India takes about its servants, and as a test, some sort of test, of its capability to advance in self-government. Points which have not been made I think are, why do we want Europeans

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in Government service in India ? Well, I want them for at least two reasons, one of which has been dealt with by Colonel Crawford, and I have no time to repeat it. But the point I wish to make is this, that you have here now a system of Western Government. It has not arisen out of any Indian traditions, it has not been evolved out of any of your customs or anything else. It has been imported *en bloc* from England, from the mother of Parliaments, and it is so popular with you, so popular with this Assembly, that you desire now to grab the whole system and you are not content with the piece you have. I do not say that you should not have more, you will get a great deal more by and by, but as it is not inherent in your blood as it is in ours, I say that you require a stiffening of Europeans for that very purpose and for the development of this Assembly.

Mr. M. A. Jinnah : On what terms ?

Mr. W. S. J. Willson : Sir, under these new conditions, in the Parliament of which I speak you will have to recruit more men. They will come out not under the traditions of the old Indian Civil Service,—they will come out not as bureaucrats—a word I hate, a system I dislike,—but they will come out under entirely altered conditions. In the transitional stages of this Parliament and Government their work will be increasingly difficult and different from what it was, but the difficulties of the transitional stage will disappear to a very large extent if you make them happy and contented in their work. It is important, it is necessary for India to develop. I see in this Assembly possibly Members who may some day occupy Government benches, and it is to their interests that they should themselves have a highly qualified British strengthening in their staff. (*A Voice* : " Why British ? ") I must also remind the House that a great deal of the success which the reforms have so far met with has been due very largely to the Indian Civil Service, and secondly, to the non-official European community a portion of which I represent. But in that development India must build up a sense of that loyalty to its permanent staff which is such a characteristic of British public life. Progress in this country is only possible by the development of commerce and industries. It is from commerce and industries that the bulk of your revenues come. It is out of larger revenues that you can further develop the country. Your trade cannot be maintained unless the foreign nations with which you deal and to whom you send your surplus goods have confidence in a stable form of government here under which the contracts that they make with India are sure to be fulfilled. Sir, on behalf of my constituents, they who pay, say collect if you prefer it, the highest proportion of the taxes in this country, we claim that we have a right to a stable and efficient Government. We are convinced that we shall not have that, nor the service that we have a right to demand, if the Government in any way deviate and attempt to concede less than is outlined in this Lee Report. We hold the British Government to its pledges under the Government of India Act. (*A Voice* : " What are the pledges ? ") I want to warn Government further that that Report, which though I have criticised it I say we accept as a whole, must be accepted as a whole, and as Colonel Crawford said, the least signs of weakening will cause Government the loss of some non-official European support. I wish to warn the Home Member further that we demand that the Report be accepted as a whole. I give that warning with all the weight behind me,

which is that of the whole of the Associated Chambers of Commerce of India, who occupy in this House but one single seat, and whose humble representative I am. But the weight behind me is very great. I represent in my own humble person, if not all, certainly the bulk—a very great portion—of the British capital invested in India. I represent, further, crores and crores of Indian capital invested in commerce and industry. I say we have a right to that stable and efficient Government. Now, Sir Purshotamdas Thakurdas also represents to a large extent commerce but the difference between him and me is this, that he is a politician which I am not and has represented the case from a political point of view, whereas I have confined myself entirely to the commercial point of view.....

Sir Purshotamdas Thakurdas : You take something for granted which you never heard.

Mr. W. S. J. Willson : I would like to refer to what Sir Narasimha Sarma said with reference to the Medical Service. I have never been heard in this House, or outside in the Lobbies, to mention a single racial question and if this were a racial question I should not be doing it but I am going to put it to you that it is not. I am going to put myself in the same position as a very distinguished "England-returned" Member of this House who said that he would like to be treated by a Brahmin doctor....

Diwan Bahadur T. Rangachariar : I was not in earnest when I said that.

Mr. W. S. J. Willson : I do not care whether I am treated by an English Protestant, Catholic, Muhammadan or Jew, but when I am ill I do wish to be attended by a Briton. I do not wish to be attended medically by an excitable Frenchman, a cold-blooded German nor a dilettante Italian. I claim to be treated by an Englishman and that that is not a racial feeling. I put it on the same ground as Diwan Bahadur Rangachariar put it yesterday, even if it is a question of race it is certainly not of colour, for I admit myself that I have a strong predeliction for massage by a Japanese. We want to claim from Government an assurance that our European hospitals shall remain under European control and supervision. We want correlation in the I. M. S. to the Europeans in the Services. We think the Indian medical staff should be on an All-India basis, and anyhow that the control and initiative of medical training should continue to be in the hands of a European trained staff, with a strong element of British personnel. The offices of public health in the larger cities and in the more highly industrial areas ought to be held by men who have been trained in Europe and who preferably have held appointments as Health Officers in the United Kingdom. I claim, Sir, that all these are reasonable matters, non-racial but perfectly natural prejudices.

With these remarks, Sir, I have only to add that we also press for the immediate establishment of the Public Services Commission and we hope that the same Commission may deal with the Provincial Services.

I am afraid, Sir, I have rather exceeded my time.

Sardar Bahadur Captain Hira Singh (Punjab : Nominated Non-Official) : Sir, I have heard from Mr. Jinnah that the dignity of this House will suffer if it accepts the recommendations of the Lee Commission

[Sardar Bahadur Captain Hira Singh.]

Report. This opposition seems to me rather unreasonable and unfair. We have had a mixed Royal Commission which, while recognizing our national aspirations for rapid Indianisation and making recommendations for that, have nevertheless come to the conclusion that at this critical juncture in our national life the necessity for a sound and solid leaven of British talent is more insistent and essential than at any time in the past. I have often heard it said both inside and outside this House by my political friends that they do recognize that. (*Voices* : "No, no one.") All of you. It is only here you simply pride yourselves like certain other persons upon opposing anything which comes before you. And you proudly tell your friends and relatives outside that you have been opposing the Lee Commission in the Assembly. That is what is done at every place and in every street. (*Cries of* dissent and Laughter.) Well you can disturb me as much as you like. I am sure you cannot shoot me and you cannot kill me. Even if I gave you a revolver, and you do require one to play with, I am sure you will be killing not only yourselves but many of your Swarajist friends as well. (Laughter.) Would you like to try that one day ? I will ask His Excellency the Commander-in-Chief to let you have a machine gun and let Pandit Shamlal Nehru here, who knows nothing about it, play with it.

Pandit Shamlal Nehru (Meerut Division : Non-Muhammadan Rural) : On a point of order, Sir, I protest.....

Mr. President : Order, order. The Honourable Member will kindly sit down. Has the Honourable Member a point of order ?

Pandit Shamlal Nehru : I protest against the remarks made by the Honourable Member (Captain Hira Singh) and seek the protection of the Chair.

Mr. President : That is not a point of order. Captain Hira Singh.

Pandit Motilal Nehru : May I accept Captain Hira Singh's offer ? If he will give me a gun he will see how straight I shall shoot.

Sardar Bahadur Captain Hira Singh : They are taking advantage of my being a soldier, Sir, as I belong to the soldier class, and if most of my friends had belonged to that class, they would have welcomed me. Well, Sir, that is the spirit now-a-days. They want to play with a thing about which they do not know anything ! Well, to-day it seems that the spirit which is actuating the advanced political class is wrong. I must say, Sir, that we do require a proper element of Englishmen, as Colonel Crawford told us the other day, because they are just, they are impartial and honest. Now what would be the state of affairs of any district, say Montgomery, in my country in the new colonies where Jats, Mussalmans, Pathans, North-West Frontier men, Sikhs, Dogras are all engaged in cultivating millions of acres of land and in utilizing the waters of the canal ? Well, you have got some people, some men, here who would have administered are carried on the colonies in the same way, but how many of them ? (*A Voice* : "Only one") What would have been the effect on our usual course, on our daily life, where the land and the water is distributed, if there were no impartial administrator ? Bloodshed and great disputes on which we would have to spend lakhs and lakhs of rupees. And look at the vast country of the Punjab where we have large cotton and wheat fields under cultivation to-day. Now if my province can boast of anything, it can boast of the good work done by the Englishman in that part of the country. The

people are rich, they are prosperous, more so than in any other province in India. And what was it before, 40 years ago ? We used to eat barley and gram, and millions of acres were left waste, which have now been converted into fertile fields. The second thing is, Sir, that if the British element is withdrawn, the minority communities will surely suffer. What happened at Kohat to-day ? How many Hindus have been shot ? What happened at Delhi the other day ? What happened, and what will happen, God knows, if the British element is not in India. That sort of thing will happen everywhere. In that case, I wish the Commander-in-Chief will withdraw his British element from the Army too. And then let us see who goes there and who stops all this loot and murder and things of that kind. Has anyone of my Honourable friends got their officers to stop them ? (*An Honourable Member* : " Stop them by using the revolver. ") I have done it and surely I am ready to do it now if something happens here but if I am given a gun. (Laughter). You may try that now. I have heard yesterday one so-called eminent leader declare to this House with no little bitterness that he would compel the English officer to educate his children in this country by refusing him facilities for passages, etc. Here is a very good proverb which applies to this case. " *Guru to rah gai Gur, aur chela ho gai Shakar.* " That means one sows but another reaps. That is the meaning of it. Let those people who have done everything for this country be deprived even of their children's education, they are not only deprived of what has been recommended by the Lee Report for themselves, but their children will also be deprived of the facility and concession and I am very glad to hear that the sons of Englishmen will get advantage from our sons in the matter of education.

Diwan Bahadur T. Rangachariar : I do not know if my Honourable friend followed me clearly on that. I never suggested that our children should educate the children of Englishmen.

Sardar Bahadur Captain Hira Singh : I am not so able as to answer my Honourable friend's question; he is a Member who is of a professional literary class. We have heard a great deal about the necessity for a change in the angle of vision, change in the hearts of the English people and the British official in India. But surely, Sir, that desire must be accompanied by a corresponding feeling in our own hearts. And what you hear now is the result. And if this is the spirit in which Indian politicians will approach this great and important question, have we any right to expect much generosity and sympathy from them ? (*A Voice* : " No.") The day will come sooner or later when you will say " Yes ". The day will not be very far ; as we are walking very fast, we must stumble down sooner or later ; then you will say ' Yes. ' There was a time, Sir, when competition amongst Englishmen for the Indian Service was very keen. In many families members used to come out to India for the Civil Service generation after generation as a matter of course. They are moved by real love and sympathy for the people and the welfare of India ; they did not come for the sake of money. And what is more ? They were received and cherished by the Indian people with equal love. That was the tradition of the old days between the two nations. And what is the position to-day ? There is no need to mention it here as one can imagine it and one can even see it. Well, Sir, the real reason is the existence of the politician in India, of the spirit of which I have spoken. The existence of this politician has killed the old spirit of the Englishman of that high class and also his love and sympathy for this country. I have often met Indians belonging to the high services, such as Civil, Police and Army, and also the young Indians of junior

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services. I have learnt from them that they get financial support from their parents, which amounts to two or three hundred rupees a month. It is a fact, Sir, that for several years we have got to support them. Well, if we have got to support them and if they put forward their grievances and ask us to increase their emoluments, it is but natural. We are told that the country cannot bear the expense of the recommendations of the Commission, an expense which works out, I believe, to something like half an anna per head of the population. It is an expenditure of about one crore. I would request this House not to look at this sum in its isolated form but to look at it in connection with the huge machinery of Government in India generally. Seeing the immense works that are being carried on all over India and seeing the great military expenditure which is six times as great as the Civil expenditure, can the House honestly say that this sum of one crore is too great a sum to pay for the return that we are getting ? If the House does not accept this expenditure because it thinks it is great, then we will have to sacrifice the best interests of the country and I will say that the people who are not giving their hearty support to the recommendations of the Lee Commission are doing a grave harm to their country. What is the alternative, Sir ? The alternative is to save one crore of rupees. This saving of expenditure will, I have no doubt, cause our politicians to shed tears of mortification and regret in the year of grace 1924, which will never come again.

Mr. President : I ask the Honourable Member to bring his remarks to a close.

(The Honourable Member resumed his seat).

Dr. S. K. Datta (Nominated : Indian Christians) : Sir, there have been Members who have spoken on behalf of Government during this debate and who have expressed their surprise that the proposals which have been made by the Lee Commission were not accepted with the joy with which they ought to have been received, but India has had the sad experience of the past in accepting any proposals which were made or supposed to be made for her benefit. There will be some Members in this House who will recollect the Charter Act of 1833 whereby all disqualifications on the ground of race were abolished. Immediately after the passing of that Act, that great Indian, the founder of modern India, Raja Ram Mohan Roy, visited England and he took with him his son, a son who had been brought up by his father to look upon India in a new and modern way. His British friends in the Court of Directors promised their support in the matter of obtaining for him a cadetship under the East India Company. The moment those proposals were put before the Court of Directors in spite, shall I say in spite of the enactment passed the year previously, this young man's candidature was disallowed. Yes, not infrequently the reality has been far below that which was promised, and thus we go through the years of British Indian history, and it is one record—and I am not talking in political language, but I have had the opportunity of studying the diaries and records of many Indian lives,—a record of blasted hopes throughout this 19th century. And can you wonder that we are justified in our suspicions when we look upon proposals that are brought forward here to-day ? As I said previously, I am not much interested in political considerations : my whole life has been given more or less to education. In education and its problems I have been chiefly interested. Now for the past 22 years I have been more or less familiar with the conditions of Indian students

in the United Kingdom, beginning with my own career in college, and later by visits and contracts with these students of ours in the United Kingdom. You know one of the great concerns of the Government of India, especially about the year 1906, was the propaganda that was being carried on amongst Indian students in England (what is termed anarchical propaganda). Now I have examined the phenomena of what you may call Indian agitation, unrest shall I say, among Indian students in the United Kingdom. Three years ago, with my Colleague in this House, Mr. Ramachandra Rao, I was a member of the Committee presided over by the Earl of Lytton, to report on the condition of Indian students. I discovered that there was unrest. Government talked about agitation and agitators as being the cause, but that was not the reason at all. The reason was that these young men, on the promise of Government that if they went to England and qualified themselves, certain positions would be thrown open to them in India, acted on that assurance. Many Indian students in England have had the experience of racial considerations entering in when they applied for admission to the Services; some of the most brilliant of them, for instance, have sat on the same benches with others who, just because they were British, were chosen for service in India, when these young men themselves were denied that opportunity. Can we wonder that there was unrest ? It was not the agitator at all, it was simply blasted hopes, and this has continued for the last 25 or 30 years in the United Kingdom, and I have been a witness of it. Well, Sir, what are we striving for ? We are striving for control here in India itself because, unless and until that control comes, many of our young men with the tremendous promise of their lives, will never receive their opportunity. We have been told time and again that there is not enough talent in India. I have been a teacher for many years. There is talent in India, but that talent is allowed to waste for lack of opportunity,—opportunity of education and opportunity of expression. That is what is wrong with India.

Well, Sir, I have expressed myself on this matter. There is another matter to which I feel I must refer and it is the question of the education and the training of the Services.

Here are the problems of India. Who could be more familiar with those problems—we who sit in this House or the Secretary of State who is thousands of miles away ? After all we are more familiar with them and it is for us to set down the standard that will be required. Early in 1922 there was an agitation in the British Press in England with regard to the attrition—if you like to use that phrase—from which British recruitment for the Indian Civil Service is suffering. A letter appeared in the *Times* signed by that very remarkable man,—Warden of New College, Oxford. The whole argument (as far as I was able to interpret it) of this man who retired a short time later was that India existed for the Indian Civil Service and the Indian Civil Service existed for the University of Oxford. Yes. A First Class in Greats was a qualification for the Indian Civil Service—I do not say it was a bad qualification ; but I do say that our Services have to be treated in the light of the needs of India, and we shall never get that until we have the control of the Services and are responsible for their recruitment. Until then we can never do it.

Now let me turn to another matter with regard to the profession to which I have the honour to belong. There is another Member of this House besides myself—my friend Dr. Kishen Lal Nehru—we the two

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Indian Members of this House who have their names, and are honoured by having their names, on the British Medical Register. Now when our names were placed on the British Medical Register, we took the vows (whether by word or implied) as far as we were concerned, the distinctions of race, the distinctions between poor or rich did not exist—all suffering mankind was one to us. That was the idea placed before us ; and to-day in our own country we are told there are certain types of people to whom we may not minister. In spite of what has been said to-day I feel sure that my Colleague and myself—at least as far as we are concerned—will never allow ourselves to be fettered by any such considerations. May I say one word ? If, shall I say, India does not suit certain people, if our arrangements do not suit certain people, do not come to India. If I do not like a country why should I go there ? If our susceptibilities are outraged anywhere, why should we go there ? These then are some of the matters with regard to the medical profession. I do not wish to labour that particular point, but there is another and that is with regard to the question of medical education in this country, and I have had experience of it both in India and in the United Kingdom. Mr. President, there is a name not wholly unfamiliar to you—that of the great medical teacher at the University of Edinburgh—Dr. Hugh Freeland Barbour, who during all the thirty years that he has worked in that University has given his attention to the needs of Indian students. He visited India last year and his progress through the country was a triumphal progress, because of his devotion to the highest interests of Indian students at the University of Edinburgh. Probably there is no man living to-day who knows more about the medical education of Indians in the United Kingdom than Dr. Hugh Freeland Barbour. Three years ago giving evidence before the Lytton Committee he told us in words to this effect :

"When I began my work in the University we had a very large number of Canadians but as the years went on these Canadians disappeared ; they did not come any longer."

May I inquire why ? Because they had established a Medical Faculty at the University of Toronto—a Medical Faculty which to-day ranks among the first Medical Faculties in the world. He said that Canada had created her own race of medical teachers and he went on to add that as long as Indian medical education was tied up to a service so long would it be defective ; and that was the evidence that we received in the University of Edinburgh and throughout the Midland Universities and in the colleges in London; and I quite believe it. I have had experience of some medical teaching in one of our Indian Universities and I know how very inferior it can be; it is not the outcome of specialised knowledge ; it is not the result of investigation and research, and that is where the grave defect of Indian medical education lies.

4 P. M.

Well, Sir, my friend, Pandit Motilal Nehru, has moved an amendment. I am not enamoured of that amendment. I quite agree with Sir Basil Blackett that the opening paragraphs take things for granted, that there is possibly too much assumption there. As a matter of fact I never like long preambles ; I do not understand what they mean ; and therefore I find myself in this difficulty. In the first place the Government on the one hand propose a Resolution which I cannot accept. On the other hand, Pandit Motilal Nehru presents us with an amendment

which, just because he accepts the fundamental principle of control in India, I feel I must accept.

Well, Sir, what about the Services ? I do feel that the cry for increased salaries, increased allowances is well-founded. I am not speaking without authority ; I have had a great deal to do with Europeans of one kind and another in India and I know from personal experience that the amount paid to some Indian Service officers who live with their families is inadequate ; I have studied their family budgets and I have looked at certain other family budgets ; and in comparing them I feel that the Services have a real grievance with regard to salary and allowances and justice ought to be done to them ; but I am not a financier and authority on the subject. I am concerned mainly with the question of control. That is fundamental to my mind, and I feel that control ought to be here. My friend, Colonel Crawford, whom I shall take the liberty of congratulating on his speech, made an honest speech ; it was a speech straight from the shoulder ; it was a soldier's speech. He exulted in the superiority of his race. He told us about the great qualities of Englishmen and I believe him absolutely ; but it seemed to me that he never got over the idea that the Indian at his best was a magnificent locomotive and that he was the driver and he was right. As a matter of fact it is a magnificent machine that he has controlled ; he puts in the oil, there is water and the furnace is well fed ; he pulls the lever and it is set going. It is a magnificent machine he has in his possession. Yes, British leadership of Indians is a very large asset and a good thing too, but I do say that he forgets that there is something else, that after all no man is purely a brute or purely a machine. There is some thing of the divine and the eternal which is greater than that machine and so often it is forgotten that in the meanest cooly in this country there is that spark of the divine.

Well, Sir, I shall bring my remarks to a close but, after I heard Colonel Crawford's speech yesterday afternoon I went and took down a book of English verse and I saw this in it and I wondered whether he had read it. Here the poet's fancy depicts—shall I say an Indian Civil Servant arriving in Florence :

> " Say who be these light-bearded, sunburnt faces
> In negligent and travel-stained array,
> That in the city of Dante come to-day
> Haughtily visiting her holy places ?
> O ! these be noble men that hide their graces,
> True England's blood, her ancient glory's stay,
> By tales diverted on their way
> Home from the rule of Oriental races.
> Life-trifling lions these, of gentle eyes
> And motion delicate, but swift to die
> For honour, passionate where duty lies,
> Most loved and loving."

Yes, Sir, I look round this House too and I wonder to whom the reference could apply—" these light-bearded, sunburnt faces ".

Sir, in the course of the history of the development of the Christian dogma, there are two words that have figured prominently ; one is " faith " and the other is " works ". My Honourable friend, Sir Basil Blackett looks interested. Yes, it is of fascinating interest, this controversy around these two conceptions of faith and works, and, as I looked

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round this House I wondered who had found salvation, whether those there, where immense files stand to their credit, who have worked for 150 years creating irrigation schemes, famine schemes, educational schemes—immense things done for India, but with no faith in India, even as a schoolmaster says to his pupil " I will teach you this, I will give you the other things, but after all I do not believe that when you grow up you will be any good ". On the other hand, I turn to my Honourable friend the Pandit and I ask vainly of the Swaraj Party " works ", I find they have a great faith ; and it is the faith that every Indian can accomplish great things. They have very little to show, very little actually accomplished, but immense faith. And I do ask this House whether we cannot combine the two ; whether works and faith cannot come together. We in this House I say are not prepared, because of the inadequacy of the Resolution put forward by Government, to accept it. We are compelled to vote for a Resolution which with all its defects is based on faith in India and in her future. Here is the opportunity for the Government to come forward and say : " After all when you come to judge the actual issues there is not much between us, the Government and yourselves ". Each side has seized on a great cardinal principle. Hold these principles as strongly as you like, but there is always some principle higher than either. To use the Hegelian terminology, " thesis " " antithesis " " synthesis." Surely there is an opportunity for a great synthesis among the Members of this House who honestly hold opinions that the divergent.

Mr. V. J. Patel (Bombay City : Non-Muhammadan Urban) : Mr. President, I had no intention whatever to take part in this debate because I had already expressed my views on the Lee Commission's Report at the May meeting of this Assembly. I see nothing before me to-day to make me change my view. I then stated emphatically and clearly that the Report of the Lee Commission should be consigned to the wastepaper basket and I maintain that view to-day. If I rise to take part in the discussion it is because I hear from all sides of this House the high appreciation of the great work and the good work that the Services have done in this country all these years. That is one side of the picture. I am afraid I feel it my duty to my country to present the other side of the picture and should not allow the case to go by default. I have heard nothing but praise for the I. C. S. I ask this House to judge the Services by the result. The Services are holding the reins of this country for the last one hundred years or more and I want every Honourable Member of this House to examine and realise for himself the condition of the country at the present moment after these 150 years of British rule. The Britisher came here to trade and he managed to stay here to rule. He would not have come here if the country was poor. It is a historical fact that the country was one of the richest countries in the world and to-day what do we find ? It is the poorest country that exists on the surface of this earth. The average annual income of an individual—Sir Basil Blackett is not here I am sorry—is not more than £2—Mr. Chaman Lall would like to put it lower. (*The Honourable Mr. A. C. Chatterjee* :" How do you know ? ") Will you tell us exactly what the income is ? We have been repeatedly challenging you, we have been making these statements for the last so many years, and you have never cared to investigate what is really the annual income of an individual in India. You would

not face that inquiry, you would not care to make that inquiry, and we know the reasons why you do not want to make that inquiry. Your conscience is guilty. Mr. President, after 150 years of the Services rule you find that millions of people of this country live on one meal a day. The average life of an individual is 23 years and what is the extent of the literacy ? 5 or 6 per cent. of the total population of India, —6 per cent. taken as a whole. After 150 years we are told that we are not yet fit to govern ourselves. Our industries are destroyed beyond redemption and the whole population is disarmed and emasculated. That is the condition to put it briefly, and I want the House to judge the Services by this result. They were in full possession of this country, they were in full charge, they were the masters and arbiters of the destinies of 300 millions committed to their charge, and let them lay their hands on their hearts and answer whether they have governed this country in the interests of the millions of this country or whether they have governed the country in the interests of their masters 600 miles away ?

The Honourable Sir Alexander Muddiman : Hordes of mercenaries !

Mr. V. J. Patel : (*A Voice* : " 6000 miles ") 6000 miles away, and yet we are told to-day that the Services are most efficient, the Services are most honest, are most sincere, they are truly devoted Services, and all sorts of appreciative epithets are used. I do not understand why all this was necessary except to prove a case in favour of the increases that are proposed by the Lee Commission. I now come to the Report itself. My position is this. I really do not care to look at this Report and to examine it on its merits even if you supply me with the evidence which has been taken in camera. I shall have nothing to do with this Report unless and until the constitutional question is settled. What I want is the power to give the increases to the Services. I do not want the power to recommend. That is nothing, because I know what recommendation means. We have been making recommendations. I have been in this Assembly for the last one year. I have been in the January session, the May session and this is the third session in which I am taking part and we have passed a number of Resolutions recommending to Government to do this thing and that thing and they have thrown all those Resolutions into the waste-paper basket. Every one of them. I can prove it. Every important Resolution has been treated as a scrap of paper by the Government.

The Honourable Sir Basil Blackett : Even the one letting you off income-tax.

Mr. V. J. Patel : Letting me off income-tax ? I do not know whether there was any Resolution on that. There was a Resolution carried by a majority regarding self-government. That was treated with contempt. I know the Resolution of my friend Mr. Neogy about the protection of the coal trade. That has been treated as a scrap of paper. There is my friend Mr. Ramachandra Rao. His Resolution that certain contracts of the Railway Companies be previously examined by this Assembly has also been treated similarly, so also has the Resolution regarding Mr. Horniman, and that regarding the appointment of a Committee to inquire into the Sikh troubles, and so on. I can quote instances after instances to show that the Government have discarded all the recommendations of this Assembly.

Pandit Shamlal Nehru : Can you cite any Resolution which they have accepted ?

Mr. V. J. Patel : I am sorry I cannot. My friend Sir Charles Innes observed that if this House were going to treat these recommendations of the Lee Commission in accordance with their ideas of what ought to be the constitution of this Government then better not waste our time and that is exactly the stand which the amendment of my friend Pandit Motilal Nehru asks the Assembly to take. By the first part of his amendment my friend Pandit Motilal Nehru clearly maintains that all the recommendations of the Lee Commission should be rejected. These are the exact words : This Assembly recommends to the Governor General in Council that the recommendations of the Royal Commission on the Superior Civil Services be not accepted." What is the second part ? The second part of the amendment is in my opinion the reiteration of the demand for self-government. If you really read between the lines, that is the only meaning that can be put upon it. The amendment demands the stoppage of all recruits from England, the control of all the Services by the Assembly through the Government of India and the Local Governments concerned. It demands the Public Services Commission to be instituted with functions to be determined in accordance with the recommendations of this Assembly and it further demands the control of services, their pay, their pensions and other concessions to be regulated by the Government of India and the Local Governments according to laws to be passed by this Assembly and the Local Legislatures, respectively. The Governments in so far as the Services are concerned are to be subordinate to the Legislatures. This is the main part of my friend Pandit Motilal's amendment.

Mr. M. A. Jinnah : Where is that ?

Mr. V. J. Patel : I will read it to you. It is on page 6 of the agenda paper :

"That His Majesty's Government be requested to take the necessary steps for the purpose of transferring the powers of appointment and control of the Services now vested in the Secretary of State to the Government of India and the Local Governments, such powers to be exercised under laws to be passed by the Indian and local Legislatures regulating the Public Services, including the classification of the Civil Services in India, the methods of their recruitment, their conditions of service, pay and allowances and discipline and conduct."

So all these matters are to be regulated by laws to be passed by the Indian Legislature and the local Legislatures respectively, and such laws are to guide the Executive. So ultimate power is vested in this Legislature and the Provincial Legislatures. You have got to regulate the Services in accordance with the laws passed by this Legislature and this is possible only if you are subordinate to us. This therefore is a clear demand for self-government and nothing less than that. If it were otherwise I should be last man to support it. I want to make it perfectly clear once again that this amendment, if it means anything at all, means that we want the Services to be controlled by the Government responsible to the Legislature. This is possible only in a self-governing country and therefore the demand in the second part of the amendment is in my opinion nothing short of a demand for full responsible Government where the Services are controlled by the Legislature through the Executive responsible to it.

And the third part of the Resolution is this. We are perfectly willing and I am willing on my part to examine the grievances of the

Services. I am perfectly willing to do so. (*The Honourable Mr. A. C. Chatterjee* : "Thank you.") If you only give us the opportunity. (*A Voice* : "Why should you do it ?") Why should I do it ! Well, if they do not want it to be done we have no objection. If they are willing to leave us I shall not be at all sorry. I tell you frankly and I am quite clear in my mind that India can afford to relieve these gentlemen if they desire to be relieved. I have not the slightest doubt in my mind on that point. I am not at all in agreement with those who say that we must have the assistance, the help, the guidance, of the Englishman : that we must have an admixture of Englishmen side by side with our Indian friends in the Services. I do not believe in all that. That is all camouflage. If they are prepared to stay as servants, by all means let them stay. We are perfectly prepared to treat them as such. But if they want anything more than that and they wish to go away because they can no longer dictate, I shall not be sorry on that account. I think India can do without them, and it is no use saying that for a long time to come we must have the assistance of Englishmen in India. We have had enough of their dictation. We now want to stand on our own legs. So, Sir, the third part of the Resolution makes it clear that so far as the existing incumbents are concerned we on our part are perfectly prepared to examine their grievances, if any. I do not believe there is any grievance. I think the Services are amply paid, but if there are yet any grievances let us be satisfied about them after we get power to pass final orders, not merely make recommendations. That is my position. The third part is conditional on the acceptance of the second part. It does not stand by itself. We want powers to pass orders before we examine the alleged grievances. I wish to make it clear to this House that the third part hangs on the second part. If His Majesty's Government is prepared to stop all recruits from England from to-day, and if the Secretary of State is prepared to transfer the power of control and appointment of the All-India Services to the Government of India and the Provincial Governments who in their turn are prepared to exercise such powers under laws to be passed by the Indian and local Legislatures regulating the public Services, including the classification of Civil Services in India, the methods of their recruitment, their conditions of service, pay and allowances and discipline and conduct, if that position is acceptable to His Majesty's Government, we are perfectly prepared through a Committee of this House to examine the grievances of the Services if there are any, and pass orders. I wish to make this perfectly clear. (*Diwan Bahadur T. Rangachariar* : "You are speaking for your part.") That is how I understand the amendment. There can be no other meaning. I do not think the third part can be separated from the second. I do not think there is any other alternative possible for any self-respecting body of men, after the manner in which they have been treated in the matter of the self-government Resolution passed at Delhi and after the manner in which they have been treated in respect of last Budget and the Finance Bill, as also in the matter of a number of Resolutions of this assembly since it met at Delhi. We know the consequences of our action, I know what is going to happen. Sir Basil Blackett—I am sorry he is not here now—told us the other day that if you are going to take the stand which was described as 'the manly stand' that you took at the March session in regard to the Budget, then Government will take the step that they took in that connection. That is, "if you are going to be men, we are going to be brutes." I will read his very words in order that I may not be misunderstood. Speaking on

[Mr. V. J. Patel.]

the amendment of my friend Pandit Madan Mohan Malaviya in regard to the Lee Commission's Report, Sir Basil Blackett stated :

"I would seriously ask the House to consider whether the result of passing the Honourable Pandit Madan Mohan Malaviya's amendment would be useful. It would be a direct statement to the Secretary of State, to the Government of India and to everyone concerned that this House is not prepared to consider the Lee Report on its merits. It would be a statement to that effect before the Report has even been read. It would be a direct negative, and is it not obvious that the Secretary of State, in saying that he is willing to hold over the consideration of the Lee Report until it has been discussed in September, must ask that he shall not be made to reply that in no circumstances will they consider the Report on its merits. If the House says that, obviously there is nothing for the Government of India and the Secretary of State to do but to treat this manly action in the same way as they had to treat the manly action to which Mr. Patel was referring in the last session."

So Sir Basil Blackett has given a clear notice to the mover of this amendment as well as those who are supporting him, including myself, what was going to be the outcome of this debate. We know, as well as you do, that this amendment is going to be carried, that the Government are going to be defeated, and Government know that that is the only manly stand that gentlemen on this side can take consistently with their self-respect. And we also know, we have been told in no uncertain language, that, "if you do that, if you become men, then we shall become brutes. We shall throw out your recommendations, and we shall do what we like, as we did in connection with the Budget." You restored all the Demands for Grants which this Assembly threw out ; you certified the Finance Bill which this House threw out ; and you are also saying the same thing to-day that, "if you reject the recommendations of the Lee Commission's Report, here we are with power in our hands, we shall restore all the recommendations of the Lee Commission's Report. We fully understand that all this is a mere farce. Whatever Resolution we may pass, you would do what you like. That is our quarrel with you. We want to make it impossible for you to over-rule us. We want to make you responsible to us. We have been told lots of things about the Services and their character, their efficiency, their integrity and all sorts of qualities of head and heart. Supposing my friend Pandit Motilal Nehru were to take the seat which is occupied by my friend, the Honourable Sir Alexander Muddiman, and my friend, Mr. Rama Aiyangar were to take the seat occupied by my friend Sir Charles Innes, and my friend, Mr. Jamnadas Mehta were to take the place of Sir Basil Blackett, would the administration of this country suffer ? Would efficiency suffer ? How would India suffer, I fail to see. Here is my friend Sir Narasimha Sarma, who has been getting along all right. He was working with me in 1917 and 1918 on this side of this House and he was most irreconcilable, more irreconcilable than some of my friends whom I knew. (*Diwan Bahadur T. Rangachariar* : What about you ?") I say I have been consistent and also conciliatory, because I have been saying frankly what I feel and I ask the Members who are sitting on the Treasury Benches what is the difference between them and us. I ask them what are we quarrelling for ? Here we are. We want self-government. You say you want to give us self-government. It is only a question of time. Let us sit down together and decide what should be done and how we should proceed. Why should we quarrel over this affair, if you are sincere, if you are honest, if you mean what you say, if you do really wish to give self-government to India. We want it ; you say you want to give it to us. We are perfectly prepared to come to terms

with you. You will not have all these sleepless nights (Laughter). There will be no difficulty about it. We can come together. That was the motion of Pandit Motilal Nehru at Delhi. It was for a Round Table Conference. It was for bringing us together and talking the matter over and finding a solution. If you do that, there is an end to the whole matter. There will be no more trouble to you and no more anxiety to us. But when you come forward with arguments, such as, "what about the depressed classes; what about Hindu-Mussalman question; we are required to stand between you Hindus and the Muhammadans; we are required to stand between the depressed classes and the higher classes of Hindus" we question your sincerity and *bona fides*. So long as you assume that attitude, these questions will also not be solved. So long as you stand between us, it is difficult to solve them. In fact, you divide us. I want to make it perfectly clear that the dividing line is there and it is because we want to unite the Hindus and the Muhammadans, the depressed classes and the higher classes, we want to remove the obstacles from our way. (Laughter). That obstacle must go. So long as that obstacle is there, these questions cannot be satisfactorily solved. I know it is our weak point and in our weakness lies your strength. *Ad nauseam*, times without number, in season and out of season, I hear from the Treasury Benches these two arguments, what about the depressed classes, what about Hindu-Mussalman dissensions. Well, there they are, and I do not wish to conceal my view that to a great degree you are responsible for it. I know it is our duty to see that we are not divided, that we settle our differences; and if I have any voice in the affairs of the Indian National Congress, I am going to advise the Indian National Congress which will shortly meet at Belgaum that there should be no more of these boycott of Councils, boycott of schools and boycott of Courts, but that we should meet together and concentrate on the settlement of the differences between the two great communities of India and the uplift of the depressed classes and the removal of untouchability. The day when the Hindus and the Muhammadans of India unite, that day will see the death knell of the bureaucracy, but I also feel that these differences will continue to exist in some form or other so long as you are here and therefore the sooner you go the better for the country. (Laughter).

Maulvi Abul Kasem (Bengal: Nominated Non-Official): Sir, it is with very great diffidence that I rise to take part in this academic discussion. I cannot claim even in a very small measure the gracefulness of speech or the dignity of Pandit Motilal Nehru, the eloquence or the fervour of Mr. Jinnah, or the vehemence of Mr. Patel, but none the less I hope, Sir, that this House will give me a kind and a patient hearing. The learned Mover of the amendment under discussion, Pandit Motilal Nehru, spoke with the consciousness of addressing a House of whose support by an overwhelming majority he was assured; and, on the other hand, I speak with the nervousness of a man who is addressing, if I may say so, an unsympathetic audience, or, shall I put it, Sir, a prejudiced jury. Sir, Pandit Motilal Nehru in his amendment says that the recommendations of the Royal Commission should be rejected because the Commission was not wanted by us. I agree with him, Sir, that this Royal Commission was not wanted, at any rate, by the people of India. It was, I believe, also not wanted either by the Services or by the Government of India. I am personally not enamoured of Royal or Ministerial Commissions. They are luxuries which India can hardly afford to pay for or

[Maulvi Abul Kasem.]

to indulge in. If I rise to speak on this Resolution it is not to speak about the various points raised either in the motion of the Honourable the Home Member or in the amendment of Pandit Motilal Nehru. I have been commissioned by a few men—I cannot say a very large number—who unfortunately happen to be my co-religionists, to raise a note of warning and of alarm. I have given notice of an amendment which I wanted to be tagged on to any Resolution that was adopted by this House. It was rather an elastic amendment. But you, Sir, have held that after this amendment is carried, and it is bound to be carried, other amendments will fall to the ground. Therefore, I take this opportunity of expressing my opinion with reference to that amendment alone. I want to do so because I want my opinion to be recorded. I know, Sir, that, even among my co-religionists, there are certain people who will not agree with me now, still I want my opinion to be recorded because I believe that, when the enthusiasm and zeal of new converts has subsided, they will realise that I was right and they were wrong. I want my opinion to be recorded for posterity to judge and for the verdict of history. Sir, I have been glad to note that the President of the Muslim League, Mr. Jinnah, in the admirable speech with which he entertained us, enunciated the Muhammadan demands and I was glad to find a chorus of approval from my countrymen in this House. But, Sir, I, in my long experience of public life, have listened to many professions of sympathy and of appreciation of our rights and of our legitimate claims both on the part of the Government and on the part of my countrymen. But, unfortunately, Sir, I have found it to my misfortune and to my regret that these professions and expressions of sympathy towards Muhammadan claims have been uniformly neglected both by the Government, Indian and Provincial, and have never been sincerely supported by my countrymen not belonging to my faith. Sir, I am as eager—whether you believe me or not—to have self-government for this country as our venerable leader Pandit Motilal Nehru. I believe, Sir, that, if the people of this country were imbued with that cosmopolitan feeling and that unbiased sentiment which guide Pandit Motilal Nehru, self-government will come of itself and will not have to be given to us by a foreign power. But, as politicians and as practical men, you ought to look the facts in the face and you ought not to shut your eyes. If you want to achieve your aim and if you want India to progress, you ought to face the situation and realise the facts and remove those obstacles which stand in the way. It has been said that the British element in the Services is an obstacle in the way of Indian progress. I say, Sir, that the British element in our Services as our rulers is an evil. But I must say that it is a necessary evil. We have been told, Sir, for the last 30 years that there is a brotherhood of Indian nationalism and that Hindus and Muhammadans have practically no differences. And it is only the British bureaucracy that creates the differences simply to follow the policy of divide and rule, simply to strengthen their position. I wish it was so because then the path of progress would be easy. Let us face the facts. Reference has been made here to the incident at Kohat, and the gallant Captain there (Captain Hira Singh) referred to the incidents at Delhi and elsewhere. These mob riots I can brush aside ; they have no meaning ; they are the doings of an infuriated mob with fanaticism on one side or the other. I will take you and draw your attention to a separate matter altogether.

What has been the conduct of responsible Indians, holding responsible positions ? I will place it before you, Sir. Here is the profession that you want an Indian administration administered by an Indian Government, by Indians. Do you really mean it, and is it to be tested by your conduct and your conduct alone ? I will take you to the Province of the Punjab. There you had the unedifying spectacle of all the non-Muhammadan Indian Members going in a body on a deputation to His Excellency the Governor and asking him to remove the Muhammadan Minister simply because it was alleged that he was giving appointments to Muhammadans. That is an edifying spectacle ! This was not done by a mob in Sadar Bazaar in Delhi or the Machua Bazaar of Saharanpur ; this was done by the elected representatives of the Punjab who were there as responsible statesmen. Then, Sir, they say : " It does not matter, as soon as the British element is removed, we shall manage our own affairs." I take you to the Punjab again. The Municipalities there were governed by British officials, and they were removed and Indians were asked to manage their own affairs in local bodies, and what happened ? In Ludhiana and in other places as soon as a Muhammadan was elected as the head of the Executive, as Chairman of the Municipality, the Hindu municipal commissioners of these Municipalities who are responsible men, who are educated men, who are not a mob, who are not a rabble, walked out of the municipal rooms, and in many cases filed a suit asking for the election to be set aside. That is the spirit.

Mr. Chaman Lall (West Punjab : Non-Muhammadan) : May I ask the Honourable Member whether that was the sole reason why the objection was raised to the Muhammadan Chairman in Lahore ?

Mr. Abul Kasem : I am speaking of Ludhiana.

Mr. Chaman Lall : Is that the sole reason ?

Maulvi Abul Kasem : The facts are as published in the papers. In Ludhiana the gentleman who was elected as Chairman was one of the foremost Nationalists of his day. (*An Honourable Member* : " Who elected him ? ") He was elected by Muhammadan votes because they were in the majority. Then, Sir, going a little further. You ask that the British element be removed. I said in the beginning that it was an evil, but I said it was a necessary evil, necessary not on my account, not on account of the Muhammadans, but on account of you. I will remind you again of the incident at Saharanpur. That unforfunate city had a Muhammadan Magistrate during the course of the riots there and there was a responsible Hindu gentleman who sent a wire to the Government to remove him and substitute a European in his place. These spectacles are not edifying, and these facts do not give us faith, hope and confidence.....

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : I should like to know if the observations made by the Honourable speaker are relevant to the point at issue.

Mr. President : I understand the Honourable Member is addressing himself to the necessity of preserving the British element of the service, which is the point at issue.

Maulvi Abul Kasem : Then, Sir, I go to my own province, the province of Bengal, where we form an absolute majority of the population.

There is the apostle of Hindu-Moslem unity—a great national leader (*An Honourable Member* : " Who ? " *Mr. T. C. Goswami* : " Have the courage to name the person "). I will give you his name—Mr. C. R. Das.

[Maulvi Abul Kasem.]

He and Hemanta Kumar Sarkar went personally to the Honourable the Maharaja of Nuddea who happens to be to-day a Member of the Executive Council ; and it was on the 27th August last that they did so—I give you the very date—and asked him to get the Muhammadan Collector of Nuddea removed from that district because he had Moslem proclivities.

Mr. T. C. Goswami : On a point of order, Sir. I challenge this statement ; I challenge the Honourable Member to repeat the statement outside this House, in public, if it is not a deliberate falsehood.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : May I ask one thing ? Is not the Collector of Nuddea a relation of the speaker ?

Mr. President : Order, order. I must ask the Honourable Member not to be quite so provocative in his manner.

Maulvi Abul Kasem : My statement has been challenged, Sir. I have given the name of a gentleman who happens to be not only a territorial magnate but a Member of the Executive Council of Bengal and verification can be made from him.

Mr. T. C. Goswami: This cannot be allowed to go on unless the Honourable Member is prepared to state it in public,—to repeat his statement about a very great man outside this House. I challenge him to do so again, if he has the moral courage to do so.

Mr. President : Order, Order.

Maulvi Abul Kasem : Then, Sir, I will go still further. Pandit Motilal Nehru has said and said with great force and truth that there are two parties, political parties, in this country—the Swarajists who are not enamoured of the present constitution or the reforms under the Government of India Act, and the Liberals, including the Moderates as he phrases them. They say that this party wants to give the reforms a fair trial. These are the two parties. But I may mention that in this country there was another party, a small coterie who were very much enamoured of these reforms and who wanted to give them not only a trial but who were wedded to them, who were fosterfathers of these reforms, if I may call them so. In Bengal, Sir, on the 26th August last there was this edifying spectacle, if I may call it so—the spectacle of the fosterfathers, the promoters, the supporters of the reforms, joining hands with those whose whole object was to wreck the constitution. Now why should people who were absolutely apart in politics about the question of reforms join hands ? There was one party, and they were honest and straightforward, who said they wanted to wreck dyarchy, to kill it. I can understand that. But those people who wanted to run the dyarchy and who had supported it right through—they went and joined hands with the wreckers of the constitution. My reading of the situation is that they did it because the dyarchy was being run by a Government which was Muhammadan in name if not Muhammadan in character.....

Mr. Amar Nath Dutt : I may tell my Honourable friend.....

Mr. President : Order, Order. The Honourable Member will get his chance later.

Maulvi Abul Kasem : When the non-Muhammadan Members or some particular Members of this House cheered and approved of that statement

of Mr. Jinnah about the Muhammadan demands they thought that they had taken the wind out of our sails. (*An Honourable Member* : " Do you represent the Muhammadans ? ") I represent nobody. I want my own opinion recorded and I want history to judge it.

Mr. Amar Nath Dutt : Were you not unsuccessful in two constituencies ?

Maulvi Abul Kasem : I may have been unsuccessful in two constituencies, but see around me people whom I have got elected to several places in older days. Faith, professions, principles have been laid down times without number. I for one will not be satisfied with that; I want positive action shown. Pandit Motilal Nehru in the course of his brilliant speech put a question to the Europeans and said " We want you to let us walk and help us in doing so." I will repeat the same question to him and I will tell him " If you want India to progress, if you want to attain responsible self-government, if you want freedom from the chains under which we suffer and which is as humiliating and as degrading to me as to you, I say the best course would be to raise up the Muhammadans, bring them up to the same standard and place them in the same position which they occupied so that they may walk and march in hand in hand." I have been told that these minor questions can be settled afterwards; " Let us first get rid of the bureaucracy and then we will settle our differences and everything will go on peacefully." With due respect to my distinguished friend, I beg to differ from him on that point....

Pandit Shamlal Nehru : May I ask my Honourable friend if he was not personally responsible for the Lucknow Pact in 1916 ?

Maulvi Abul Kasem : I was and I still hold to it ; but what I want is that that pact and any pact that may follow must be translated into action by you and not by a bureaucracy....

Pandit Shamlal Nehru : As soon as we get self-government.

Maulvi Abul Kasem : What I say is this : I make this a condition precedent because in all matters a combination between a strong and a weak party is always dangerous for the weaker party and therefore I say if you want us to march hand in hand with you, to walk shoulder to shoulder with you, I would ask you " Give me the position, the privilege and the strength in order that I can do so." So far, Sir, with reference to my particular amendment.

I shall not detain the House, Sir, because abler men have discussed the various elements of the question under discussion ; but I will say this much that I do not agree with Colonel Crawford when he says that British prejudices about medical attendance should be respected. I know of no person who would object to be placed under treatment by a foreigner. I do not know what Diwan Bahadur Rangachariar meant when he said that he wanted a Brahmin to be treated by a Brahmin. I for one, if I am sick, prefer to be treated by a doctor who was qualified and not by a merely Mussalman doctor....

Diwan Bahadur T. Rangachariar : If my Honourable friend will forgive me for interrupting him, I find that speaker after speaker is not capable of understanding a joke.

Maulvi Abul Kasem : After all it was a joke. There are of course many things in the recommendations of the Lee Commission which are not

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acceptable to me. But the difficulty lies both with regard to the Resolution brought in by Sir Alexander Muddiman and the amendment of Pandit Motilal Nehru. Dr. Datta said that he would not vote for the one and that he was obliged to vote for the other because he accepted it in principle. My unfortunate position is that I cannot accept Sir Alexander Muddiman's Resolution as it stands, nor can I accept the amendment of Pandit Motilal Nehru.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I do not desire at this hour of the day to inflict anything like a speech upon the very large questions that have been discussed ; but as my Honourable friend, the Finance Member, said that the discussion did not range over as many items that were comprised in the Lee Commission's Report as he would have wished, I thought that it might be worth while for me to point out certain aspects of those recommendations which in my opinion entirely support the conclusions that are embodied in the amendment of my leader, Pandit Motilal Nehru. Sir, our great complaint is that we have had no materials placed before us to judge whether these recommendations are good or not, whether they are sound or not, whether the particular things that the Government of India have already decided to do have been based upon proper material or not. The Government said that they have not before them the materials which the Lee Commission had, but they said they had other materials and the Honourable Sir Alexander Muddiman said that he was going to adduce them in his speech. My leader, the Honourable Pandit Motilal Nehru, very pertinently pointed out that he searched in vain for any substantial material in the course of the speech of the Honourable the Home Member to lead to the conclusions which he laid down. But, Sir, on the evening of that day, we were given a big blue-book in very small type, very difficult to peruse and we were expected to deal with the materials which were placed in that book in the midst of all the troubles of the debate here. I therefore desire, Sir, so far as I can do it, to point out certain things that are found in this blue-book which go entirely to support the conclusions which we have embodied in the amendment. The main point of our amendment is that this recruitment in England should be stopped. On that matter the Honourable the Home Member said that, if recruitment is stopped, it will have a very grave reaction in this country. My Honourable friend, Mr. Jinnah, has disposed of that. But what I am unable to understand is this continuous process of arguing in a vicious circle. The Lee Commission said that recruitment in England was affected by the grievances of the Services in this country. We are now told that, in respect of the stoppage of recruitment in England, that will affect the position of the Services here. And so on in a vicious circle. Further, Sir, I am glad to find that in the materials placed before us, from the replies from Local Governments, we have very strong support for the position that if Indianisation is going to be real, is going to be honest and sincere, then recruitment must be stopped at any rate until the 50 and 50 proportion is reached. I find, Sir, that the Government of my own Province, the Government of Madras, last year in its combined form, namely Ministers and Executive Councillors put together, recommended that recruitment should be stopped; they put that proposition before the Lee Commission, although subsequent to the publication, when the new Government of Lord Goschen was set up, the Executive Councillors and Ministers recorded separate minutes in respect

of this matter. I have also to point out, Sir, that one of the most trusted Councillors of the Government of India and of the United Provinces, the Honourable the Raja of Mahmudabad, has strongly pressed upon the Government that recruitment should be stopped. I find, Sir, that the Ministers in Assam have also taken the same view. Going now to the period before this Commission sat, I find that the Government of India themselves were inclined to think that this proposition of stopping recruitment at least until Indianisation is made real should be seriously considered by the Provincial Governments and the O'Donnell Circular embodied the opinions of the Government of India in this matter. Then, Sir, I find also that in the evidence which was placed before the Commission, there was a good deal of evidence which was placed from the European point of view and which pressed that recruitment should be stopped on the ground, which Sir Sivaswamy Aiyer properly put before the House, that it is not fair or proper to get British youths into the country about whose prospects there was so much uncertainty. They would very probably become disappointed subsequently and discontented. There are many other proposals which are contained in this Lee Report which it seems to me make it clear that the conclusions at which the Government of India may have tentatively or hastily arrived with regard to the continuance of recruitment in England ought to be revised. Therefore, we put this proposition of the stoppage of British recruitment as much upon the ground of the interests of the British people as upon the ground of the interests of the people of this country.

Sir, on this question of Indianisation, again, the Government have accepted, as we learn from the Honourable the Home Member, the proposals of the Lee Commission regarding the rate of recruitment. I am unable to follow the calculations on which this is based and I find that the Government of India's letter to the Provincial Governments has by no means accepted these calculations, upon which this simultaneous recruitment in England and in India has been considered feasible for this purpose. The Government of India themselves admit in their letter to Local Governments that these calculations cannot be laid down with any certainty. The Madras Government point out that for their part they are quite prepared to work on the basis of getting within 15 years as far as two-thirds Indianisation in their own Section of the All-India Indian Civil Services. In some other provinces, also, the same proposition has been put forward by some of the Ministers. I therefore do not see any necessity for accepting *en bloc* without further examination this proposal as regards the pace of Indianisation which involves the simultaneous recruitment of British youths to be carried on in England and of Indian youths in India.

Then, Sir, I refer to the proposals which have been accepted by the Government of India in regard to the retirement on proportionate pensions and compensation to civilians who may not agree to political changes made in the Government. I find that this proposition of compensating the Indian Civil Service men who do not agree with the political changes that have been brought about by the Government of India Act—this proposition to allow them the option of voluntarily retiring on proportionate pensions—was never mentioned in the original proposals. The Montagu-Chelmsford Report did not contain it. The Government of India's First Despatch on the Reforms did not contain it. The only proposal that was then made was that if the position of any particular officer was made unendurable, then only could he apply upon substantial grounds for retiring

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on proportionate pension. The proposal of everybody being allowed to voluntarily retire because there have been political changes in India to which he was opposed, was first started before the Joint Committee of Parliament, and that Committee gave the Civil Services in profusion out of the funds of this country. It was that Committee that made the necessary additions to the original Government of India Bill in this respect and Mr. Montagu submitted to these conditions in order to save his Reform Bill.

Then, Sir, there is the question of "existing and accruing rights." The difference of opinion that exists between the Law Officers of the Crown and the Civil Services is quite clear, and I feel, Sir, that although the Lee Commission has not definitely stated that they do not accept the British Law Officers' opinions, it is clear that the proposals that they have made amount to saying that compensation in the extravagant terms demanded by the Civil Services should be given, only that it should be assessed by the Public Service Commission that may be constituted hereafter.

5 P. M.

I consider, Sir, that it is a most unwarranted and a most unjustifiable demand to make upon the slender revenues of this country that these Civil Services people should claim not only the existing and accruing rights which they would get in the normal course of their service but that they should get compensation for the loss of prize posts, special posts and other advantages that they might get in this country. That also is a proposition upon which this House cannot decide without going into the materials that must be placed before us.

Then there is this question of the general increase of salaries in the name of passages, in the name of overseas allowances, and what not. The whole mischief of this situation arises, it seems to me, from having allowed the basic pay to be increased in the manner in which it was done in 1919. The pretext of adopting a time scale of salaries for the Services was convenient enough to put up the salaries of these people by as much as 50 per cent. We have had any amount of statistics put before us. We have had aggregates and averages in profusion, but in considering the question whether a particular officer is better off or worse off in consequence of the graded scheme of salaries to which he becomes subject, it is not correct merely to take total figures and arrive at the result as to whether these officers individually or collectively are better off than they were. The whole question is whether the time scale has operated for their benefit. There can be no doubt that it has operated for their benefit. If as a matter of fact when a man starts service, when the Assistant Collector or Assistant Commissioner as the case may be who used to start on Rs. 400 a month in this country, starts on Rs. 600 and gets a time scale, in which promotion is not dependent upon vacancies higher up, if that man starts with an initial advantage of 50 per cent. over his existing salary, the result is he sets up a standard of life far higher than that which his predecessor would have set up and starting on that standard you are going on building up on that golden plate more and more golden ornaments. That is the reason why we are now faced with all these family budgets, budgets which say that they want as many as 11 domestic servants each from the bottom of the Services, which say that for a nurse for one child in a married man's house, they must pay Rs. 70 a month. The figures found

in these budgets really prove too much and try to demonstrate the impossible. We are told that these officers have a monthly deficit of something between 200 to 500 a month throughout their careers. I say, Sir, that this is an impossible state of things to exist and how they manage it is a question which has got to be gone into, as our Resolution has put it, by a frank, fair discussion in a committee which we are quite prepared to set up.

Then, Sir, our whole position is this. We want these Services which have been described in the letter of my Honourable friend Mr. Crerar as an organism, we want this organism not to thrive in the manner in which it throve before. We want this organism replaced by an organism of a different kind. This organism was an organism that governed this country. We want a permanent Civil Service subordinate to a responsible executive in this country. Surely this century-old organism cannot be converted into the new organism without drastic treatment. We therefore want that if this country is to have self-government, this *corps d'elite*, this ruling class, this great dominating authority over millions of people in this country, should be replaced by a service which is truly a service and which is truly Indian. I say, Sir, there is no question of racial animosity or racial antipathy in this matter. We are quite willing, provided these people are prepared to come into this country and compete with our own fellow-countrymen on equal terms, we are willing that they should join the Services on the same conditions as Indians. We are also quite willing that, whenever expert services may be required, we should obtain these services from British people on such terms as are reasonable and as we can afford. We do not want merely for the pleasure, or I don't know what, of having people out from England, to pay them more salaries, more overseas allowances, more passages and more other things, while we have men with equal ability and equal efficiency in our own country. That is our reason for objecting to British recruitment. We say that this recruitment from the financial point of view imposes a permanent drain upon this country. From the political point of view it increases or strengthens, as my leader put it, the grip of the British nation over this country. On financial grounds it is not right, it is not just or proper, that when you can get the same material in this country we should pay higher and get it from another country. We have no objection to Englishmen coming here and competing. We have no objection to that. But when we can get the same material here cheaper why should we go elsewhere and pay so much more for it out of the poor Indians' resources. These are matters which ought to be discussed and settled with us along with the question of self-government, because this question of self-government also involves the question of the organization of the Services that ought to be modelled on the scheme of self-government.

On the question of the grievances of existing men, there has been so much new material put before us which we should sift and upon which you should get a considered verdict from us. Without such sifting, we are unable to deal with it. On the question of the stoppage of British recruitment, we think this is a condition precedent to any proposal for either dealing with existing grievances or for dealing with the organisation of the Services in the terms of the recommendations of the Royal Commission. After all, what is this great Public Services Commission upon which my friend Sir Narasimha Sarma dwelt at length ? It is a mere shadow, just as the Reform Act is a mere shadow, and it has no substance. It is as much a wooden horse as the Reform Act. What

[Mr. A. Rangaswami Iyengar.]

we want is a real Public Services Commission, a Public Services Commission that is controlled by the Legislature of the country, that is in a position of independence as regards its powers of recruitment and of providing regulations for the control of the Services. Therefore I appeal to the House that they should carry the amendment of Pandit Moti Lal Nehru by an overwhelming majority.

Maung Tok Kyi (Burma : Non-European) : Sir, I thank you very much for the opportunity you give me of speaking on my amendment. Now, Sir, the first part of my amendment is based on the Resolution that has been passed recently in the Legislative Council of Burma, and that Resolution was :

"That the Burma Government should be empowered to reconstruct the Burma Services on Provincial lines."

Sir, as my Honourable friend, the learned Pandit, has said the other day, the present system of recruitment and appointment to the Services is an anachronism. The Honourable the Commerce Member feelingly denied that either the system or himself was an anachronism. I have great sympathy with him but I am inclined to believe that the system is an anachronism and people in Burma are trying their best to reconstruct it. While the question was being discussed in the local Council the Leader of the House there said that the discussion could only be an academical one. The question was intimately concerned with the Lee Commission's Report, and the Central Legislature was the only place where the question could be properly discussed. It may be that the question was an academic one in Burma, but it is not so in this House. In fact it is a matter of urgent importance, especially from the point of view of the European members of the Services. Now, Sir, my Honourable friend, the Pandit, is for the wholesale rejection of the recommendations of the Commission. But I, like my friend, the Honourable Sir Sivaswamy Aiyer, propose to consider the recommendations on their merits. The Services are now, as everybody is aware, divided into two classes,—the transferred services and the reserved services, and I think that the distinction has already done some harm. It is not conducive to the proper and efficient working of the reforms, and the sooner this distinction is removed, the better. My friend, the Honourable Sir Sivaswamy Aiyer, proposes that the Indian Forest Service and the Irrigation Branch of the Service of Engineers should be transferred. I agree with him in this. I think the two services referred to by him should not only be transferred but also provincialized. But when he suggests that the Indian Civil Service and the Indian Police Service should still be reserved, I do not quite agree with him. I think all services should not only be transferred, but also provincialized. Now, Sir, my amendment has been divided into two parts. I have dealt with the first part. With your permission, Sir, I will deal with the second part now. I propose that no increase should be made to the present pay and allowances. We, almost everyone of us, who think in the same way as my learned friend, Pandit Motilal Nehru, believe that the country is bending, nay crushed, under over-taxation, and I think that an increase of expenditure resulting from increase of pay cannot be borne by the people. It has been said, at least from the Government Benches, that the cost of living is still high, and on the other hand, Honourable Members who represent the people have clearly shown that since the year 1920 the cost of living has shown a

downward tendency. Now, Sir, the average European officer in this country has got to serve here on about Rs. 1,500 a month. This salary compared with the salary of a Cabinet Minister in Japan is considerably higher. A Cabinet Minister in Japan is getting only 8,000 Yen a year, that is Rs. 12,000 per annum or Rs. 1,000 per month. So the pay of an average European district officer in this country is considerably higher than the pay of a Cabinet Minister, highest of the officials in Japan. One of the reasons why we are pressing for the Indianisation of the Services is that we will have the Services at a much lower cost. In fact the day will not be far distant when a Cabinet Minister in India will work for the good of the country at a rate of pay on which the Japanese Cabinet Minister is working at present. Sir, let me repeat that Rs. 1,500 a month is a big sum. The people of the country cannot afford to pay more. Those who have studied the economic condition of the country will not be able to deny honestly that the burden which is being borne by the people of the country is already too great. The salary of Rs. 1,500 a month is about the limit which an ordinary average European officer should get. If that officer cannot live on this pay, if he cannot try and live within his own means, then the sooner he leaves this country the better for all concerned. My Honourable friend, Professor Rushbrook-Williams, says somewhere,—not in this House, but in his book called " India in 1922-23 "—that the people of India are thriftless because they spend Rs. 214 on marriages and only Rs. 35 on funerals. And, mind you, Sir, such expenditure is not incurred once a month. It is incurred in a life-time and yet my friend has characterised the people of this country as thriftless. Sir, I think I am quite justified in saying that, if the average European officer cannot live on Rs. 1,500 a month, he is not only thriftless but reckless. Sir, as I submitted a little while ago, we cannot bear any more financial burdens. We are already crushed under taxes and the people of Burma are worse off in this respect. We in Burma pay Rs. 12 per head per year. That is to say, we are paying per head more than the people of any other province in the Indian Empire. I think the limit of taxation has been reached in Burma, though the Honourable the Finance Member has denied this in the case of India. But I say that the limit of taxation in Burma has already been reached. That is why I propose that the allowance which is called the Burma allowance and which is peculiar to Burma only should be discontinued. This allowance was sanctioned at a time when the country was not opened up as it is at present, and when the cost of living was admittedly higher in Burma than in India proper. But the condition of the country has materially improved during the last two decades or so and there is no facility or amenity which is obtainable in India which is not obtainable in Burma, and I think the cost of living in Burma is at present not higher than that in India. And in Burma we have got an Act called the Burma Village Act,—I may call it the Slavery Act,—a relic of olden days, and under that Act an officer can order any villager at any time of day or any time of night to supply him with food, fuel, boats, carts, eggs, fowls, milk, or any necessity of life, and he gets the supplies at a nominal price. He gets them at a rate much cheaper than the ordinary market price. On account of this facility also, the Burma allowance should not be continued any longer. It is a pity, Sir, that the Commission did not visit my part of the country. None of them, except Sir Reginald Craddock, knows something about Burma, and

[Maung Tok Kyi.]

Sir Reginald Craddock knows the country just as the Honourable Mr. Chatterjee knows unemployment in India, *i.e.*, through District officers. If the Commission had visited Burma I am almost sure they would have been convinced of the fact that the conditions in Burma are not so different from the conditions in India. Sir, I have dealt with the question of Services not in an academical manner as suggested by my Honourable friend, Maulvi Abul Kasem, who, by the way, admittedly represents nobody but himself, but I have dealt with it as a question of practical politics, and I am very glad that this House is competent enough to deal with that question. When the same qustion was being discussed in the Legislative Council in Burma, another prominent Government official took part in the discussion. He dealt with the question half in witticism and half in seriousness. But, Sir, I for one take politics always seriously. I cannot afford to deal lightly with it, and whatever I say in this House is based on my convictions and nothing else. I believe, as I said a little while ago, that the people of this country cannot bear the burden of any fresh taxation or any more expenditure. One of the main reasons why dyarchy is so unpopular throughout the country is that it has caused an increase in expenditure, and I therefore earnestly appeal to the House that they will do nothing to further increase the expenditure of the country.

Khan Bahadur Sarfaraz Hussain Khan (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, I had no mind to speak. But for the speech just delivered by my friend, Maulvi Abul Kasem, who himself admitted that he represents nobody but himself I had to speak. Let me tell you, with the permission of the House, that I represent the largest Muhammadan electorate in my province of Bihar and Orissa, and I in my representative capacity entirely repudiate the assertions made by my friend. I do not think that the Muhammadans would ever be so undignified as not to shake hands with the Hindus and fight with them shoulder to shoulder in the struggle for self-government simply through fear or dread of the Hindus. Muhammadans cannot be so timid and so cowardly ; they are manly men. They are Indians. They know they are Muhammadans but they also know that they are Indians. Although they have sympathy with the great Muhammadan States, yet in all political matters they are with the Hindus ; and I give them, in my representative capacity the assurance that we are ready and always will be ready to shed blood with them and for them in their struggle for self-determination and self-government. But, Sir, I do not base my claim, or our claim, for self-government on the vilification of Englishmen or the Civil Service. I have the greatest respect, let me tell you, Sir, for the members of the Civil Service, and I entirely disagree from my friend, Mr. Patel, when he tried to make an attack on the Civil Service. I have been in touch with them for a very long time and I have not only respect for the members of the Civil Service but I have the greatest respect for the English people and the English nation. The English Government has been called a Satanic Government. But I do not base my claim on that fact, I base it on the fact that we Indians have as much right to self-government as any other nation ; it is our inherent right. Under the law a man attains majority after the age of twenty-one. We have been under the Court of Wards in the charge of Englishmen for one hundred and

fifty years. Now we have attained the age of majority, and are fit, and now we ask the English people to be just and fair to us and give us what we want at least in a spirit of generosity. That is my claim.

As regards what Maulvi Abul Kasem said, I again say that he was wrong and had no business to stand up and say all that he has said. As no other Muhammadan Member has spoken, I thought it my duty to state that he was wrong and to emphasise that the Muhammadans and Hindus are all for the amendment moved by the Pandit.

It is getting very late and I shall not go into the details of the question. I simply want to remind the House that the amendment moved by Pandit Motilal Nehru is not an amendment of the Swarajist Party merely but of the whole Nationalist Party, nay it is an amendment of the whole Indian nation. This House has to consider whether it has to support this amendment or the Resolution moved by the Honourable the Home Member. If you read the Resolution and the recommendations of the Lee Commission, you will find that they are entirely in conflict with the basic principle which underlay the Resolution that we had adopted in the last session. Would it therefore be consistent for Members of this House, after having adopted that Resolution, now to shirk their responsibility and not whole-heartedly support the amendment moved by Pandit Motilal Nehru ? I ask the whole House, at least all the elected Members, to stick to their guns and remain firm and whole-heartedly support the amendment. With these words I support the amendment.

Mr. W. F. Hudson (Bombay : Nominated Official) : Sir, at this stage in the evening I cannot expect to interest the House, but I can at any rate promise to be brief. There appear to me to be about twenty grounds on which I should like to oppose the Honourable Pandit's amendment, but, as I hope to observe the time-limit rather more successfully than some of my Honourable friends who have spoken before me, it is obvious that I must confine myself to one or two points. My main objection to the amendment is that it is a delaying amendment. That was probably not the intention of the Honourable Pandit, but it will unquestionably have that effect if it is passed and carried into effect. The Services have already waited an intolerably long time for reliefs which were overdue four years ago, and as each month goes by the financial situation of the individual officer grows worse and worse. I do not propose now to weary the House with a long and painful history of the representations that were made to the Government of India from every Service and from every province from the year 1920. It has been well said that the mills of God grind slowly ; but in the eyes of the Services the mills of God are high velocity engines compared with the mills of the Government of India. At long last, however, when hundreds of officers had given up the unequal struggle and taken their proportionate pensions and gone Home in the hope of being able to pick up a decent living there, then the Royal Commission was appointed, and although many months elapsed before they started work, when they did get to work they grasped the fact at once that this was a matter of extreme urgency and they most commendably got out their Report in what for a Royal Commission must have been record time. I would also draw the attention of the House to the fact that in their recommendations they unanimously urge that there should be as little delay as possible in taking action on their proposals. And now, Sir, at this point, after four years of weary waiting and financial stress and just when

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a spark of hope has been lighted, it is proposed by the amendment to scrap this Report and to do the whole work over again. For the work would have to be done over again, since I think it must be obvious to anyone that evidence given under the seal of secrecy could not possibly be divulged to anyone for whom it was not intended. Any Secretary of State who attempted to divulge it would be hounded out of public life in England and deservedly so. (*Pandit Shamlal Nehru* : "Not even to the Government ?") No, Sir. Not even to the Government. It was intended for the Royal Commission. Now, it is not explained why there is any reason to suppose that this Committee would do the work any better or more equitably than the body of distinguished public men who were recently appointed by the Crown. In this kind of question there must be finality somewhere, and I submit that the unanimous finding of a Royal Commission on which India was very admirably represented and this House in particular was represented by one of its ablest and most independent Members should be accepted by all reasonable men.

Now, Sir, I propose briefly to explain one or two matters in regard to which relief is so urgently needed. The amendment says that no material evidence is indicated in the Report. I propose therefore to indicate just a few facts and figures—as few figures as possible, as I observe that the Honourable Mr. Jinnah does not like being bombarded with them. Figures are things you cannot get away from altogether in discussing a matter of this nature. The point which I wish to draw your attention to is that relief which we call free passages, one of the most important from our point of view. As regards this, I cannot but note with surprise and regret that, judging from the amendments I see before me and the speeches we have heard, many Honourable Members are opposed to any concessions of this kind. I said "with surprise" because I should have thought that a concession in this form would have obtained a special degree of sympathy in this country. Love of his home is one of the strongest sentiments of every Indian, and, though I do not want in the least to be unduly sentimental on this occasion, I should like Honourable Members just to ask themselves seriously how they would feel if they had been cut off for years and years, as scores of European Civil servants have been by the cost of passages, from a sight of their parents or their children. Now, for the figures. In 1913—I take a typical case—a return passage of an officer, his wife and one child cost about Rs. 3,000. In 1920, when the revised scale of pay was fixed, the cost was Rs. 2,000. To-day it stands at Rs. 5,000. Now, of course, I understand that to the successful professional men whom I see around me—many of whom I feel sure have doubled their fees since the War—Rs. 5,000 is a mere bagatelle. But how is a junior officer with a wife and child on Rs. 1,200 or Rs. 1,500, how is he ever going to save Rs. 5,000 when he can barely pay his bills in this country ? It simply cannot be done, and if he takes leave at all, he has to do one of two things—he either has to borrow on his insurance policy or he has to borrow from Government—which latter resort cripples his resources for many years to come, after his return from leave. So the Royal Commission realised that it is essential that an officer should have a free passage to Europe, not only in his own interest but in the interest of his efficiency as a public servant and that, owing to a rise of nearly 200 per cent. in the cost of passages since the last revision

of pay, some relief is absolutely necessary. And it seems to me, Sir, that the Royal Commission have given the relief where it is most needed. In this concession there is no encouragement to any extravagant standard of living such as I understand some Honourable Members consider now prevails—though goodness knows on what grounds. This concession makes it possible for an officer to see his home and his children at long intervals and to fit himself to discharge his duties efficiently in this country. Moreover, there is nothing in the least unusual in this concession, as we heard from the Honourable the Finance Member this morning. The Government of the Malay States and I may add the Governments of the African Colonies give it, and most of the European firms give it. Had the Government of India given it in days gone by, it is highly probable that there would have been no need for a Royal Commission at all. The Civil Service never pressed for it until circumstances absolutely compelled them to do so, but the time has come when they cannot get on without it. Sir, scores of officers, I may say, hundreds of officers, are waiting eagerly for this concession to be sanctioned : men who have borne the burden and the heat of the day through long years without a break. They are longing for a sight of their homes and their children, and this is their only chance. And if it is denied to them, in my belief there will be a wave of discontent throughout the Services such as India has never before experienced.

There are many other points which I should have liked to discuss, but I must leave them as the time is already late. But before I sit down I want in all good faith to make this appeal to the Assembly. It has been said with some degree of truth that no argument and no speech has ever turned a vote in a democratic House, and perhaps we can hardly expect an exception in this, one of the youngest representative Assemblies in the world. The argument which I am going to use is one which was put yesterday in rather a different form and received in parts of the House with, what are called in the House of Commons " ironical cheers "—I venture to hope that there will be no ironical cheers to-day. I put the argument in all good faith and it is not really a humorous matter at all. One of the aspirations, as we have heard several times to-day—one of the aspirations of many Members of this Legislature is that the control of the whole of the All-India Services should be transferred to India and exercised by the Government of India or the Local Governments through a Public Service Commission. With that aspiration as such I have no quarrel whatever. On the contrary I understand and sympathise with it. But it cannot be realised, and I venture to say it never will be realised, until it has been clearly established by something more than words—we have had very kind words to-day, but we want something more than words—that the Services will be treated as fairly by the Indian Government as they are by the Secretary of State. Now, it is no use blinking the fact that the Services at present are convinced that such would not be the case, and if we may judge by the political speeches and writings of the last four years, and even by some of the speeches in this Assembly, they have sound grounds for their apprehension. And now, Sir, there is a unique opportunity,—an opportunity which I think is not likely to recur for years—to show that the apprehensions of the Services are quite ill-founded and that this country is prepared to treat its permanent Civil servants as fairly as any other. If this Assembly to-day generously and unanimously accepts the carefully considered proposals of the Royal Commission in regard to the

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relief of the Services, there is no question that the impression that will be made upon the British Government, the British Parliament, and the British people, will be profound, and that it will be difficult hereafter to maintain the argument that the Services need and must have for years the protection of the Secretary of State. But if this Assembly is so ill-advised—I do not wish to use any unpleasant word—if this Assembly is so unwise as to reject these proposals or postpone them to some remote and obscure future, then the British Government, the British Parliament, and the British people, who still have a robust faith in the impartiality and capacity of Royal Commissions, will realise that the apprehensions of the Services were well-founded, and that much water must flow under the bridges before a change can be made. I repeat, Sir, this is a unique opportunity for doing a highly effective thing at a comparatively small cost, and an opportunity which I make bold to say that any one with sound political sense would gladly and readily grasp.

Whether this House will display that sense can only be known when the division bell rings, but I for one am still full of hope, despite what has been said and despite the amendments on the paper, that wiser counsels may still prevail.

Diwan Bahadur T. Rangachariar : Will you permit me to ask the Honourable Member who has just spoken and his fellow officers to advise the Government to accept the offer made by Sir Chimanlal Setalvad ?

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : The debate has been long and has been unique in the history of this Assembly, and at this late hour I shall endeavour to put the few points that I have to as briefly as I can. There are certain points upon which I think opinion should be unanimous. After the appeal which Mr. Hudson has made, I shall ask him and other members of the Civil Services and my other European friends to try to realise the position of us, Indians. I will ask him and other members of the European Services and non-official Europeans to try to get into our skin and to realise the position we are in. I will ask them not to be led away by the impression that we have come determined to vote against the Resolution of the Honourable the Home Member and to carry the amendment of Pandit Motilal Nehru irrespective of any consideration of what is right and just. Let me assure them that we have given the matter the fullest consideration and let me assure them that we have listened with attention and respect to every argument that has been put before the Assembly. Nothing would give us greater pleasure and sincerer satisfaction than that we should agree with our European fellow subjects in the Assembly.

(At this stage Diwan Bahadur T. Rangachariar, Deputy President, took the Chair.)

I know there would be a thrill of satisfaction throughout the land so far as the members of the Civil Service are concerned if we should accept the proposal of the Honourable the Home Member, and my friends will concede that we are human. We should like to share that thrill of satisfaction, we should be cheered, we should be pleased to know that we had given satisfaction by our action to our European friends. But there is a higher duty that rests upon us. We are not here as masters of the purse that we are asked to vote on. We represent the people, a people admittedly very poor, and every proposition which involves expenditure which is put before us requires that we should give it our earnest and

honest consideration and vote upon it with no other consideration except what is due to the people. I admit that it is due to the people that the public servants of the country should be satisfied on all reasonable grounds that their claims are properly dealt with. But I think my friends opposite will also agree that it is due to the people that the public servants of the country should also realise what the people can bear and what they cannot bear. It has been admitted in the debate that the salaries of the I. C. S. stand higher than those of the Services in other departments, and so far as I know, of the Services in all other countries except perhaps America.

Mr. D. V. Belvi (Bombay Southern Division : Non-Muhammadan Rural) : Not even America. The Civil Service is the highest paid in the whole world.

Pandit Madan Mohan Malaviya : That was my own impression, but I was told by an English friend of the exception.

Mr. Deputy President : If the Honourable Member wants to speak on a point of order, he will have to rise from his seat and then I will ask the Pandit to sit down.

Pandit Madan Mohan Malaviya : Now, Sir, my Honourable friends, my European friends, know that for decades past we Indians have been complaining that the salaries given to the Indian Civil servants and to the higher European Services in this country were extravagantly high. At the end of nearly fifty years the Commission which was appointed in 1912 proposed increases in that salary. The Commission reported in 1914 but the report was dealt with and final orders were passed on it in 1919-20. The salaries were increased, increased we were told at the time to the satisfaction of all the members or most of the members of the Services. My Honourable friend, the Deputy President, who is now presiding over our deliberations, pointed out yesterday that taking into consideration the six years that had elapsed, the Secretary of State and the Government of India made additions to the proposals of the Islington Commission in order that the salaries should be proportionately increased in view of the rise in prices which had taken place between 1914 and 1920. He told us that nearly a crore and 15 lakhs were added to the total of the increases given. Now Sir, he also told us that since 1920 there has been a decline in the prices. That point stands uncontroverted.

6 P.M.

The Honourable Sir Basil Blackett : I rise to a point of explanation, Sir. I pointed out to you, Sir—the Honourable Pandit was perhaps not listening—that the mistake was made by you of taking the year 1920. The year 1919 was the year in which the increased or revised salaries were given and there has been a considerable rise in prices since then.

Pandit Madan Mohan Malaviya : My Honourable friend has not said that there has been no decline since 1920. There may have been some increases in the prices of some articles for a short time after 1919, but taking as a whole all articles that have to be used and paid for I think the position taken up by my friend, the Honourable Mr. Rangachariar, still holds good. (*The Honourable Sir Basil Blackett* : " No. ") Then, Sir, we must agree to differ. Having regard to the facts stated by Mr. Rangachariar and Sir Purshotamdas Thakurdas, I am not satisfied and I do not know that many Members of this House are satisfied, that there has not been a decline in the prices, taking all things together. And certainly the Honourable the Finance Member has not established that there has been any substantial rise in the prices since 1920. Now, Sir, I submit

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the position is that the salaries that were given in 1919 were regarded as adequate. In a book published by Mr. Hughes and named "Careers for our sons", which is an excellent publication setting forth the avenues of employment open to British youth, it is pointed out that the increases that were given would have been satisfactory but for certain facts, and those facts are specifically mentioned. It says :

"Before the war the commencing pay was adequate but during the war the rise in the value of the rupee and general increases in the emoluments of all officials raised it to the high figure of £9.58."

I may say that the book was published in 1923,

"Now however the rupee has dropped to the pre-war level of 1*s.* 4*d.*, and the emoluments, increased though they are, do not meet the high cost of living in India except by the exercise of strict economy."

That is a phrase which I wish the House to note—"except by the exercise of strict economy". Then the writer goes on to say :

"The advent of self-government in India whereby the administration of Government passes gradually from the European to the Indian has brought other changes in the outlook of the Indian official. He is no longer quite so sure of his future and what appointments will fall to his lot in the days to come."

These were the two grounds mentioned. It was admitted that the salaries had been raised sufficiently high, but it was said that they were such that because of the fall of the rupee one had to practice strict economy in order to get on satisfactorily. Now it is in this position that demands have been put forward by the Services for further increases to the salaries in the shape of various allowances and passages, etc. I ask, Sir, Members of this House, including my friends on the Government Bench, whether in such a state of things the only consideration to be put before the Assembly and the Government in this country and in England is the need, the greater need, of the Civil Services, or is the condition of the people also a factor to be taken into consideration ? I ask the House, Sir, to bear in mind that during the last three years, after the close of the war, additional taxation to the extent of 41 crores has been put upon the people of this country. I ask the House to bear in mind that this taxation has pressed very hard upon the people. It has affected the general prosperity of trade and industry in this country. Business has been slack ; there is a long and loud complaint throughout the country that the condition of the people has become very much worse than what it was during the days of the war. In such a state of things, Sir, when the Government have found it necessary to add 41 crores of additional taxation to what existed three years ago, is it conceivable that in any other country, in any Parliament which represents the people and is solicitous primarily of the welfare of the people, and after it and subject to it of the welfare of the Services, is it conceivable that proposals for further increasing salaries or giving allowances to the extent to which it is now proposed, would be put forward by any responsible Government ? I mean no offence and I hope no offence will be taken, but I ask my Honourable friends on the Government Benches and I ask my European friends to consider the two things together. Undoubtedly the Services may find it hard to meet their requirements without strict economy, some of the members of the Services may be labouring under real hardships ; when so many European friends and Members of the Government reiterate that members of the Services are suffering hardships, it is no pleasure to us to contradict their statement. We have got no evidence on which we can come to that conclusion. But we are not in a position at

the same time to definitely contradict what they say. I assume that some members of the Services find it a real hardship to get on because the rupee has fallen. But, Sir, the fall of the rupee is not a new event in the history of British Indian administration. For the last seventy years and more members of the Civil Service as well as the people of India have had painful knowledge of the fact that a fall in the value of the rupee inflicts a great loss upon India, both upon the people, sometimes upon the Services. The Services have on the whole been remunerated for the losses inflicted upon them for a long time past by the payment of exchange compensation allowance. When its abolition was decided upon, they were given substantial additions to their salaries. Now that being the position, I ask the House to consider whether, in view of the increases given in 1919-20, in view of the general poverty of the people of this country, in view of the initial high salaries paid to the Indian Civil Service, and in view of the fact that 41 crores of additional taxation has recently been put upon the people, and that there is no prospect of reducing it for the present : in view also of the fact that the Provincial Governments are being starved in all Departments which most vitally affect the interests of the people, I ask, Sir, is it right of my European friends, my friends, my brethren of the Indian Civil Service, to press their claims for increases to salaries and allowances in the manner in which it is being done ? And if those claims are real and if it is so very necessary to press them, is it wrong of us who come here by the suffrages of the people to ask that evidence should be placed before us to support them. There is such a thing as a small voice within us human beings who are in this Assembly, and that voice has to be satisfied particularly when we are dealing with the interests of other people. That voice demands that the facts upon which the members of the Civil Service have asked for additional advantages being given them, should be placed before us and that we should be trusted to come to a fair and just conclusion upon such evidence. We are asked to take the recommendations of the Commission on trust, because the Commission was composed of honourable men. Of course they were all honourable men ; of course they were appointed by His Majesty the King Emperor, but that is not sufficient to satisfy me that they have come to right conclusions. They are human as much as we are. If we are believed by some of our fellow Members to be going wrong at this moment in spite of the deliberations which we have had among ourselves, with no other desire than to come to the right conclusion, is it very wrong to think that our friends of the Royal Commission might have gone wrong in the conclusions at which they arrived ? I hope not, and, therefore, I hope my European friends will at least give us the credit of not having come with a perverse determination to vote against the Resolution of my esteemed friend, the Honourable the Home Member, for the mere fun of it. If we are unable to support the Resolution it is because we feel that we owe it to our people that before we agree to them, we should be satisfied that the increases which are demanded, which are asked for, are justifiable. That is our position. We do not wish to be unjust to the Services. Several friends have said that there will be wide dissatisfaction among the Services if the recommendations are not accepted. My esteemed friend, Mr. Willson, deviated from the attitude of calm consideration which he generally adopts and almost threatened that the recommendations must be accepted in toto or the Chambers of Commerce backed by all the British capital that is invested in this country would rebel against Government. Another Honourable Member said that if these recommendations are not accepted, it will create a feeling among the people in England and the Services that we are an uncivilised lot. A third

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Honourable Member has just now told us that if these recommendations are disregarded, we shall be regarded as a very unwise people and the question of what further concession in the direction of constitutional reform should be given us in the future will be prejudiced. Now, Sir, I am concerned with the living present. It is not for me to peep into the future and to shape my conduct at this moment by a consideration of what judgment may be passed by my fellow-subjects in England or in this country upon our action. We have a very clear issue before us. Have we got any evidence before this House to support the view that in spite of the additions of salaries given in 1919-1920, there is justification for the further increases which are asked for ? Such evidence has not been placed before us. One gentleman said, and I may join with Dr. Datta in congratulating him on his fine speech, though I do not agree with him in many points,—Colonel Crawford told us that Pandit Motilal Nehru would not place his domestic affairs before any Committee and he should not expect European Members of the Service to place evidence relating to their domestic affairs before this House. I am sure if Pandit Motilal Nehru wanted the House to increase the emoluments which he might be getting as the Legal Adviser of the Government of India or in any other capacity, on grounds similar to those which have been urged in the case under consideration, he would certainly have to submit facts to support his case to the Committee which might be appointed to go into the matter. No one would like to peep into.....

Pandit Motilal Nehru : I would double my fees instead of submitting my accounts.

Pandit Madan Mohan Malaviya : We have no wish to peep into the private affairs of any of our fellow-subjects. But when they ask for increases in salaries, or allowances on the ground of difficulties in making the two ends meet, when they present a budget in which they show the number of servants they employ and the salaries which they have to give to these servants, when they show what amount they have to spend over the education of their children and so on, they must submit evidence in support of their case to those who are required to vote the increases asked for. Of course it is open to the Government as it is constituted to accept the recommendations of the Lee Commission. The Secretary of State has got powers under which he can do almost anything he likes in relation to the finances of India. It is very kind courtesy that he has asked us to express an opinion on the recommendations of the Commission. He can overrule us. But if he will overrule us, he will be acting upon his own responsibility. He may be satisfied upon the evidence that he has looked into or he may look into that the claims of the Services are just and reasonable, and that, even in the present condition of the people of India, the recommendations of the Commission should be accepted. But we are not given the opportunity to be so satisfied. We are not put in a position to know the facts and to base our judgment upon them. In this situation what do we urge ? What we urge is not that we should turn a deaf ear to all representations regarding increases in salaries but that we should act as any sensible private individual would. Suppose there is a private individual whose income is limited, even as a Member of the Government of India, to Rs. 6,666 a month. He finds that he has got several servants in his employ and that he cannot, owing to his limited means, keep all these servants satisfied. What will he decide ? He will decide that instead of keeping all the servants dissatisfied he should give notice to two of

them and be content with two less, or engage others on cheaper terms in their places. That is the proposal which has been put before this Assembly for the consideration of the Government. What we say is this. If you are so thoroughly satisfied that the Services need some further relief, then act fairly by the Services and by the people, and earn the gratitude of both. Agree to stop further recruitment in England in the future. What is the good of going on adding to the number of discontented men in the Services ? What is the good of adding to the volume of discontent that must prevail in this country if you give these increases over the heads of the people in spite of the opposition of the representatives of the people ? Clearly, you and we ought to agree that justice should be done to the existing members of the Services. I think from all that has been said every Member of this House is satisfied that we are prepared to consider any legitimate grievances which any member of the Services may have. These members are our fellow-subjects and our brethren. I do not wish to speak of them as servants, though we all are servants of the public. I do not wish that there should be the smallest feeling in the mind of any member of the Civil Service that it is a pleasure to us to criticise them or to oppose their claims. We value the work that they have done. We appreciate it. We honour them for their work, though we regret also that there is another side of the picture to which we have to draw their attention. But we agree that if they have a just grievance, that grievance should be considered in the fairest possible manner.

(At this stage Mr. President resumed the Chair.)

What do we suggest ? What does the amendment suggest ? It suggests that the further recruitment of Europeans in England should be stopped. That will enable us to effect some saving. We do not want to appropriate that saving to the general revenues. Being assured of it we wish to consider what we must give to our European friends of the Indian Services in order that they should be reasonably satisfied. We do not want any member of the Indian Services to have a reasonable cause for discontent or dissatisfaction. We do not want any member of the Civil Service to think that, if we Indians have a voice in the settlement of their claims, we are determined to use that voice against them. If they should take that view, let me tell my friends that they will be doing a great injustice to us. We wish to be just to them. We only desire that they too should be just to us and to the people, whom both they and we are bound in honour and in duty to serve.

That, Sir, is the first reason, for the proposal which has been put forward on this occasion to stop the future recruitment of the Services in England. The primary consideration is to find both a justification and the means for the giving of the relief which is asked for. Do not let any Member think that this proposal is put forward as a dodge to delay the giving of relief. My Honourable friend, the last speaker, thought that the amendment was a delaying amendment. It is not so. Speaker after speaker on this side of the House has stated that we are prepared at once to go into a consideration of the claims of the Services. But our proposal has not commended itself to the Honourable the Commerce Member, and the Honourable the Finance Member has joined him in rejecting it instead of helping him to consider it more carefully. I regret it, Sir, I regret that a proposal which has been put forward in all earnestness, in all honesty of purpose, should not have received a more favourable consideration from my esteemed friends on the Government Benches. I do not make light of their difficulties. I know what their difficulties are. But this is an occasion on which

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the difficulties of our position ought to be placed before the Government in England to be considered along with the difficulties of which the Services complain. But there are other reasons, Sir, why this proposal has been put forward. It has been pointed out that English youths are not willing to offer themselves for the Indian Services in large numbers because of the changed circumstances. One of these circumstances, as mentioned in the book from which I quoted, is the altered outlook brought about by the proposal for the Indianisation of the Services. To my mind many of them desire to be assured that certain positions in the Indian Civil Service shall be reserved for them in the future, and that is the reason why in the warrant of appointment of the Commission the language used was entirely different from the language used in that of any previous Commission relating to the Public Services. From the time the Act of 1833 was passed, the English Government had avoided the use of the words Europeans and Indians in the Statutes and Orders they had passed. The Act of 1833 laid down that no distinction would be made between Indians and Europeans, as such that no Indian would be debarred from holding any appointment for which he may be qualified merely by reason of his race. For the first time in the warrant of appointment of the Royal Commission with which we are dealing, it was said that it should inquire into the "recruitment of Europeans and Indians respectively for which provision should be made under the constitution established by the Act of 1919." Now, I submit, Sir, this was a regrettable departure. In 1861 when the Indian Councils Bill and the Services Bills were under consideration in Parliament, a proposal was made that it should be specifically provided that Indians would be represented in the Councils. Sir Charles Wood, the then Secretary of State, refused to do so on the ground which he explicitly stated that "to hold the perfect equality before the law of all Her Majesty's subjects" and that there was no distinction, such as European and Indian, among the subjects of the Queen, whatever might be their differences of birth, or race or religion. This departure, I submit, was regrettable, but there it was, and the Commission has made its recommendations for dividing the posts between Indians and Europeans. Well, if on account of the fear of the diminution of prospects which is felt by the members of the Indian Civil Service, they want to be assured that certain posts in the Civil Service shall in future be reserved for them, that is exactly the constitutional objection which arises so far as we are concerned. We do not want to create a further super. class in the ruling class which has existed so long in this country. We want that members of the Indian Civil Service should come into the service by virtue of their merit and not as Europeans or Indians. That is another reason why we object to these proposals of the Commission.

Lastly, Sir, we want that the recruitment for the Indian Civil Services should stop in England also in order that Indians should have a fair chance of filling up the higher appointments in their country. India has not had a chance during all these many years of building up a public service of its own, nor shall it have it until recruitment in England is stopped. I agree with my Honourable friend, the Member for Commerce, in desiring that we should have an honest, strong and efficient public service. I agree with the proposals of the Commission, that we should have a Public Services Commission and Public Service Acts. We desire that we should pass such Acts as early as we can in this Assembly and take

action upon them. But we want that we should consider the matter on a correct basis and under fair conditions. So long as the recruitment and control of such a large number of important appointments will remain with the Secretary of State, the building up of a really efficient Indian public service will be practically impossible. The presence of what will be regarded as a superior service will act like a Upas tree, and it will not allow any healthy plant to grow under it. We therefore desire that the primary question of the control of the Services should be settled in our favour, and that we should be given a fair chance of building up a real, honest, efficient Indian Civil Service of our own. As my English friends know, the building up of a public service is not a thing which can be effected in a day. Their own Civil Service is not more than a century old. Up to the middle of the last century there was no organised Civil Service in England. Commenting on the Civil Service of the day in 1849, Sir Charles Treveleyan described it as " inactive, incompetent and overstaffed in numbers."

" There is a general tendency,"—*he complained,*—" to look to the public establishments as a means of securing a maintenance for young men who have no chance of success in the open competition of the legal, medical and mereantile professions. There being no limitation in regard to the age of admission in the great offices of State, the dregs of all other professions are attracted to the public service as to a secure asylum, in which although prospects are moderate, failure is impossible, provided the most ordinary attention be paid to the rules of the Department."

This was the state of things in England in 1849. On the recommendation of Sir Charles Treveleyan and Sir Stafford Northcote the Civil Service Commission was organised, and it is only since then that the English people have had the benefit of being served by an excellent Civil Service. The Civil Service of India was constituted a few years later ; and we know that unless a Civil Service Commission like that is constituted, and the Service properly organised and controlled, we cannot expect the Service to be honest, efficient, and impartial. We know that in the days of Clive the servants of the Company were not of the type of which Englishmen could be proud, and we know that their emoluments were fixed at high figures in order to fortify them against temptation and to enable them to act with a sense of decorum and to build up honourable traditions of the Service. The present Service is the result of sixty years of regulation. We honour it for its incorruptibility. As the Honourable Sir Charles Innes put it, we want that the Services in India should be as honest, as efficient and as incorruptible as the present Civil Service is, if not even better. (*A Voice* : " But are they incorruptible ? ") There may be exceptions, but exceptions should not be noticed, when the bulk of the Service is, undoubtedly, honest, efficient and incorruptible. We desire, Sir, to develop such a Service and we feel that if we stop further recruitment in England we shall be able to build up such a Service. If we do not do so, we are also exposed to a new danger. The recommendations of the Lee Commission distinctly provide that if certain subjects, at present reserved, are transferred in future to Ministers, a member of the Civil Service who is serving in the reserved field may retire on a proportionate pension. Now, Sir, this possibility has come into existence in the past ;—suppose Parliament should see the wisdom and justice of introducing provincial autonomy within the next twelve months or two years in this country—just think how many retirements may possibly take place. And if at the same time there is responsibility introduced into the Central Government, as we, Indians, earnestly desire it should be introduced and as we hope it will be introduced, then imagine how many retirements there

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might be. And if many members of the Civil Service should in those circumstances suddenly retire from the Service, shall we not be left in the lurch to find men to take their places? It will not be at our initiative that they will retire, but suppose they are allowed the privilege of retiring in those conditions and suppose they do retire, we shall then certainly be left in the lurch. Therefore let us look facts straight in the face. The facts are that the introduction of responsible government, even to the extent to which it has been carried out in India, has altered the aspect of the Services. There are Englishmen who are willing to reconcile themselves to the new state of things. We honour them; we are grateful to them. There are other Englishmen who do not find it compatible with their temperaments or their ideas to continue to work under the new conditions. We do not quarrel with them. They are entitled to hold those opinions. But if they want to retire, we do not want to be exposed to the situation that after we have paid for their services all these years, they should leave us when the country may be most in need of their services. For this reason also is our proposal for stopping recruitment in England put before the Government. I beg the Government to consider it seriously. Let them not be under any misapprehension that by stopping recruitment in England there will be a disaster brought on this country. My Honourable friend, Mr. Willson, asked that there should be a stable Government. Certainly there will be a stable Government. The Honourable Sir Charles Innes said that the one thing which he and his friends wanted really to hand over to India was a strong, efficient, incorruptible Service when the time came to hand over the power to Indians. At least that is how I understood him. Now, Sir, we are at one with these Honourable Members. We also want a stable Government. Will these friends allow me to say, without meaning any disrespect, that our anxiety for a stable Government is certainly not less than that of either my esteemed friend, Mr. Willson, or of the Honourable Sir Charles Innes. We have a deeper stake, if I may say so, in the country, and we are not altogether devoid of commonsense that we should like to disturb a stable Government without having the power to establish stability and carry it on. Let there also be no apprehension that any vested interests will suffer. My friend, Mr. Willson, spoke of British vested interests. I know them, we have no quarrel with them; I assure my friend that no vested interest will suffer if my friends will also be just to us and let us have an opportunity of promoting our own interests at the same time. We know that the Indian Civil Service has done a good deal; I agree with my other friends who have spoken before me about the highly meritorious work done by that Service. I acknowledge with gratitude their work in the field of education—though we wanted more and wider education; I acknowledge the general high standard of justice which they have established; I acknowledge the many other institutions of a beneficial character which they have brought into existence. I acknowledge with gratitude what has been done in the Punjab in the field of irrigation. But at the same time let my friends not misunderstand us if we also point out to them that we have laboured under certain serious disadvantages because of the preponderance of our English fellow-subjects in the Civil Service. While we feel grateful to them for what they have done, we feel that a great deal more would have been done if Indians had been associated in a much larger measure in the Services.

My Honourable friend, the Home Member, though he put the whole case for the Government and the Services in an admirable manner, unfortunately referred to the communal differences which divide us. My friend, Sir Charles Innes, emphasised that point. Now, I want to put it to them, without the least intention to offend any member of the Indian Civil Service, if it is not a great condemnation of the work of the Civil Service that after the seventy years that they have been in full power in this country it should be possible to have such unfortunate, regrettable, deplorable differences as arise from time to time between Hindus and Muhammadans. Is it possible that if the education of the masses had been undertaken on the right scale, such strifes and such deplorable riots of which unfortunately we have had too many, recently, would have ceased to happen ? Now, Sir, we Indians have been pressing for forty years that the masses should be educated ; every sensible man knows that the education of the masses is the one lever which lifts them up in judgment and in restraint of temperament. Even in England when the masses were uneducated, there were most deplorable riots, and to-day riots take place, they are due to want of education among the masses. (*An Honourable Member* : " What about Ulster ? ") There has been a perversion of human nature owing to certain conditions in Ulster. For forty years we have pleaded, implored the Government to introduce universal primary education. The Government have not listened to our request. In January 1912 when His Majesty the King-Emperor was in India he expressed his desire that there should be a net-work of schools and colleges spread over the whole of the country, and he said that it was by education alone that the condition of his subjects could be lifted. A few months later in the same year, my dear departed brother, Gopal Krishna Gokhale, brought forward a Bill of a permissive character to allow compulsory primary education to be introduced in certain selected areas. Unfortunately the members of the Civil Service along with others opposed it, and the Bill was not passed. Years have gone by ; crores upon crores of rupees have been found for the military requirements of the country ; crores of rupees have been found for everything which the Government decided to do ; but education has not yet been brought home to the people to one-fourth, or one-fifth or even one-sixth of the extent to which it ought to be done. I submit there should be a little searching of heart among my friends of the Indian Civil Service to see if they are not responsible for the present deplorable state of things, when they speak of communal differences. I submit, Sir, that, if the right kind of education had been provided, even my Honourable friend, Mr. Abul Kasem, would have looked at the question before us in a different spirit and would have spoken in a different spirit. It is a matter of severe distress of mind to us Indians—I cannot believe that it can be a matter of satisfaction to any sober-minded member of the Indian Civil Service,—that after so many decades of the existence of such a fine service in this country, an Indian of the education of my friend, Mr. Abul Kasem, should still not be able to take the correct view in regard to national questions. The conditions created are not healthy.

Let me now come, Sir, to the question of the depressed classes. I was more surprised even than by the reference to communal differences, when my esteemed friend, the Honourable the Home Member,—I am sorry to say so, because I have real respect for him—Oh, I beg his pardon,

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it was the Honourable Sir Charles Innes, the Member for Commerce—when he reminded us of the depressed classes in Madras and elsewhere. Now, Sir, I make a bet that, if a verdict of any three impartial Englishmen selected by common consent by Sir Charles Innes and those who think with him and my friends on this side will express the opinion that the Indian Civil Service have not failed in their duty to the depressed classes, I will certainly not vote for the amendment of my friend, Pandit Motilal Nehru. Let me say this, Sir, that while there has been a great deal of lip sympathy expressed by many of my friends among the European members of the Civil Service with the depressed classes, they have not used all the opportunity and power they had to lift them up by the strong hand of fellowship, beyond and above their present economic condition, which is at the root of all the degradation they still suffer. If education had been promoted among them, if they had been given the same equality of opportunity which has been available to members of other communities, a great deal of difference would have been made in their condition. I recognise that some schools have been opened in every province for the depressed classes. I recognise that some encouragement has been given to them. I express gratitude for that which has been done. But I say, Sir, with great confidence and deliberation that the problem of the depressed classes would be solved if Government would set apart a few crores of rupees every year in order to promote education among them. A member of the depressed class who has read up to the Entrance examination comes and sits with the sons of the most orthodox Hindu in the Hindu University of Benares and in Hindu assemblies. The question of untouchability is a question to a large extent of education and economic condition, and I say with great regret that my friends of the Civil Service have not done for the depressed class all that it was possible for them to do. We want an opportunity to do so. The Assembly is aware, Sir, that at this moment a very strong effort is being made in all parts of the country, under the inspiration of my esteemed brother, Mahatma Gandhi, to lift up the depressed classes. A great deal has been done and I expect that in twelve months or so we shall have solved the problem of the depressed classes by universal education for all people in India: that will improve the depressed classes also. And I suggest conscription, or military training, for all who wish to take it. I guarantee, Sir, that there will not be a Hindu of the orthodox type who will not sit with a member of the depressed classes as a brother and a fellow-citizen if he has been educated. I submit that at least the responsibility for these shortcomings which exist at this present moment in the administration of this country should not be thrown upon our shoulders only, that it should be recognised that we have not had the opportunity or the power to remove them. We have tried to do so. We have passed Resolutions year after year and we have put them before the Government. Government have not done their part. Now we want that we should have our innings. Our friends have had a very long innings. I ask in fairness that they should play the game, that they should like true sportsmen concede that we should now be put in power and that we should be trusted and tried. If we fail, it will be open to Parliament, while our relations last as they are at present, to withdraw the powers that have been conceded. No one has suggested that India should become separated from

the British Crown on responsible government being established here. We are asking for responsible government under the Crown. We want Dominion status and not the status of a separate Commonwealth, or a separate State. We do not want that any single member of the Indian Civil Service at present working in the Service should retire. We do not contemplate that there should be no Englishmen left in the Services as soon as the recruitment is stopped. If the recruitment is stopped all the present members of the Services will continue in office and we are sincere when we say that we should take in Europeans whose services we may require in the future on shorttime contracts. For a long time, for nearly 150 years, the Englishman and the Indian have lived together in this country. We are not anxious to separate from the Englishmen in this country and part company with them ; but we are anxious that Englishmen should treat us Indians as equal fellow-subjects, and let me assure them that if they will do so there will be no occasion for them to complain. This is the position. It is therefore that we urge that the Government should agree to recommend to the Secretary of State, in view of the unanimous feeling in this House, the almost unanimous feeling among Indians, that recruitment in England on the present system should stop. I hope the Government have taken note of the fact that my Honourable friend, Sir, Sivaswamy Aiyer, my Honourable friend, Sir Chimanlal Setalvad, and we of the Swaraj and Independent parties, and my Honourable friend, Dr. Datta, who made a very fine speech to-day in the presentation of the Indian case,—that we are all agreed about one thing, namely, that future recruitment in England should be stopped, and I hope that the Honourable the Home Member will be good enough to represent this unanimous feeling to the Secretary of State on this question of further recruitment. The second point of which I hope the Honourable the Home Member has taken note is that we are all willing that if this recruitment is stopped and thereby financial relief is given to the tax-payer of India, we shall go into any legitimate complaints or representations which the members of the Civil Services may make. And if we do not accept the Resolution of the Honourable the Home Member to-day, let it not be said that we have thrown out the proposals altogether. If our position is represented correctly, I hope the members of the Civil Services will not have much reason to grumble and complain. My Honourable friend, Mr. Hudson, said that our amendment will delay the matter. Delay it will, but it should be remembered that the members of the Civil Services are not starved. They have got very handsome salaries, they are enjoying the additional salaries given to them in 1919-1920. Some of them may be inconvenienced for a time, but I am sure that if the matter is looked into by a committee of this House relief can be given at an early date and they will not have to wait long if the matter is agreed upon between Government and this House. I hope that the Honourable the Home Member will be good enough to represent our case fully and strongly to His Majesty's Secretary of State and the British Cabinet. But, of course, Sir, we cannot be sure what the response to it will be and what consideration our representations will receive from His Majesty's Secretary of State. We are at present in this unfortunate position that, though we vote the taxes by which the administration of this country is carried on, we have no power to prevent a large addition being made to the burdens of the people by the powers which the Secretary of State enjoys. This is an anomaly, an injustice.

[Pandit Madan Mohan Malaviya.]

Whatever may have been the justification for it in the early days of British rule, there is absolutely no justification for it when a representative Assembly has been constituted, and therefore it is desirable in the interests of justice that the Secretary of State should agree to transfer the powers of appointment and control over all the All-India Services to the Government of India acting in consultation with this Assembly. I hope that our proposals will be regarded as reasonable by the Government of India as well as by the Secretary of State. But whether they are or not, I hope we have made our attitude clear, and the whole of India will know it, the whole of the civilised world will know it, and we are content to stand by the verdict of the country and of all impartial critics.

The Honourable Sir Alexander Muddiman : It is three days since I last addressed this House and during that period the House has been considering the amendment of my Honourable friend opposite. The hour is now late. I therefore do not propose to detain the House very long, more particularly as the Government have been largely represented in this debate and there is really very little for me to say in winding it up. First of all, however, I should like to say that I have been struck by the tone of most of the speeches. The subject is one that might lead to an embittered debate but I certainly think that on the whole, with one or two exceptions, the debate has been continued in a very good spirit. I am not very familiar with this House but I understand it is sometimes less calm than it has been during this debate. In the first place I have to answer a question which was put to me by Colonel Gidney and Colonel Crawford. It was as to whether we intended to include in the word "Indians" all statutory natives of India. Well, Sir, that is our intention. It was so intended. Now this debate has proceeded so long that I think the House may perhaps almost have forgotten the terms of my Resolution. The weight of the debate appears to me to have been directed to this point. It has been contended that these proposals of the Lee Commission in so far as they relate to the statutory control of the Services constitute not merely no progress but a definite obstacle to progress in the way of constitutional reform. That, I submit, is not right. You cannot fairly say that. They go a long way in the matter of constitutional reform. They transfer to the Provincial Governments and the Provincial Governments on the transferred side, that is to say, the responsible Ministers, a large number of these Services. You cannot say that it is not progress. In the Educational service, and I observe that that is the department of Government to which my Honourable friend, the Pandit, particularly invited my attention since he charged the I. C. S. with not having care for Education, you will be master in your own house. It will be for you to appoint such officials and of such kind as you think fit. Whatever may have been the faults of the I. C. S., and I will not weary the House with instances to the contrary, I contend the education of India has not suffered from the malignant influence of the I. C. S. Still whatever in my Honourable friend's opinion those faults might have been in the past, that at any rate is remedied. You will have your own officers and such as you desire. Similarly in the other transferred Services. Therefore, it is not really fair to say that this is no progress. Then I ask in what way does the Report block constitutional reform ? The objection of the House, as I gather it, is that the control, of the Secretary of State is maintained. What other

position is possible under the laws as they stand now ? Moreover that, I submit, clearly has established my point, that these proposals of the Lee Commission with regard to the control of the Services are an advance, not, I admit, as large an advance as the House wants but still a great advance. Nor do they offer any obstacle to further constitutional reform. I shall refer to the question of Indianisation. I gave the House some figures on this and possibly the House has forgotten them. There are roughly 4,000 All-India appointments at present. Of these 1,300 will be provincialised. Now, from the tone of the House and the debate it seems to me quite clear that in the future those 1,300 appointments will be filled by Indians. That seems to be the general view of the House. I gather you would only employ such Europeans in these Services as you could not obtain in the country, presumably experts mainly. However, I am not quite so sure about that. When the Ministers come to formulate their own policy they may possibly take a different view. Still, that is 1,300, on your own showing, that will be Indianised. Then what about the remainder ? There will be 50 per cent. at least and generally more. That is a big increase, a great increase. It is no use blinking the facts. It is a great step forward from your point of view.

Then the next point made in the debate as far as I can recall was this question of the stoppage of European recruitment. It was said, and I felt it would be said, that we should stop this to accelerate Indianisation. Well, Sir, if you stop it at all you have to stop it altogether. Now I submit that in the present state of India a certain number of Europeans are essential. I speak as the representative of the Government of India. We are responsible for the efficiency of the Services. We have the lamp to carry on. We have to hand it on to our successors. If they do not want Europeans, and if any new constitution gives them the power of decision, they will not have them; but as far as our responsibility is concerned, as long as we stand here, we cannot take any step which in our opinion would be either dangerous to the Services by proceeding with too rapid Indianisation—we are Indianising rapidly—or which would produce any deleterious or dangerous effect upon the country. That is my position. It is not our wish, and I tried to make it clear at the first,—we do not want Europeans in India in order to find jobs for them. I tried to make that perfectly clear. We want them, because we consider, rightly or wrongly, that they are necessary in the best interests of the country. It was said that you have enough Europeans in the Services and you can carry on with them. Now if you stop European recruitment—and I have not heard a single answer on this one point—you very seriously affect the European still in the service. Some one asked the question of one of my Honourable Colleagues as to how many retirements on proportionate pension there had been, and I think he suggested that there had been 20. The number is actually 324 in the four years 1921—1925. That is a very big proportion indeed. (*A Voice* : " Outside the normal retirements ?") Yes, outside the normal retirements.

Now I wish particularly to mention the speech by my Honourable friend, Sir Chimanlal Setalvad. He has worked with the Services and recognized, if I may say so, in very warm terms the relations that had existed between him and his subordinates. He further made a proposal which is in many ways attractive, at any rate to the Services themselves. But the Government of India cannot consider it for it is not possible to shut down your services. If you stop recruitment you finish with it. You cannot reopen it. It is no use arguing that you can.

Mr. M. A. Jinnah : I am loath to interrupt the Honourable Member, but so far as I am concerned I did not say that. My point....

The Honourable Sir Alexander Muddiman : It was Sir Chimanlal Setalvad I was referring to.

Mr. M. A. Jinnah : I know, but I want to make my position clear so that the Honourable the Home Member may reply to it. My point was, stop further recruitment under the present system and you can employ Europeans if necessary by short period contracts.

The Honourable Sir Alexander Muddiman : I am glad the Honourable Member has raised that point. Now short period contracts may be quite excellent for experts. They are quite useless in a service. What is your short-time man going to do employed as a policeman. When he has done his five years here he is valueless except in the job which he holds. The only asset an administrative officer has got is his experience, and his experience in India is of no use elsewhere and indeed that is often a positive disqualification. It is perfectly true you can have these contracts with a railway man or a man in a technical job ; you cannot do that with the ordinary Services.

Now, Sir, the only other point I wish to refer to in this debate is this—the question of the pay, passages and pensions of the Services ; that really has been more discussed than anything else. It has been recognized by many speakers that there is a case for the Services—one or two speakers said that the Services should get what is recommended. But the bulk of the debate has really been on this—whether you are going to do anything at this stage without another inquiry, whether you are going to treat the Report of the Royal Commission as merely *prima facie* ground for holding an inquiry. Well, Sir, I have a great faith in the wisdom of the Indian Legislature, a great faith in the wisdom of the Members who compose it ; but I do not believe that a Committee drawn from that body, is likely to come to more wise conclusions than a Royal Commission which has already sat. That Commission, as we have been told, spent 5½ months in interviewing officers and went all over the place : and as this House, I am quite sure, would not hold a less rigorous inquiry, a less careful inquiry, and would insist on evidence and would require to take evidence, it would therefore occupy indeed at least as long, and probably longer, for it has been one of the charges against the Royal Commission that its inquiry was held too rapidly and in too summary a manner. The case of the Services has been admirably stated in several quarters. My Honourable friend, the Finance Member, in very eloquent terms has shown that the redress of their grievances has been long delayed. Now Finance Members are rarely to be found in that mood ; and on this occasion it suggests itself to me, it may suggest itself to the House, that the case of the Services is a very strong one. Now I notice my Honourable friend, Pandit Motilal Nehru, recognised that if one goes into Government service, some special attraction is necessary. Did I not hear him say that ? If he took Government service he would claim double fees.

Pandit Motilal Nehru : I had in mind the profession of the law and was referring to professional fees.

The Honourable Sir Alexander Muddiman : I wish I was in the profession, Sir. I am not going to enter into the question at this late hour of the night, as to the failure of the British Government to educate my Honourable friend opposite or even to touch on the question of the depressed classes.

I feel a member of a depressed class myself. I would merely ask the House to remember what Mr. Patel said. What are we going to vote now ? With his usual bluntness, he explained to me and to the House generally, exactly what this amendment means. Now if you vote for it you are going to vote against provincialization, against such measure of Indianization as the Report recommends, and against the relief of the Services. On that, Sir, I am prepared to take the judgment of this House.

Pandit Motilal Nehru : We are willing that the House should vote on measures of Indianization ; we have formulated our own measures, our own proposals, in clauses (1), (2) and (3) of Part I of the amendment.

The Honourable Sir Alexander Muddiman : I agree, Sir. I accept the correction. I should have said such measure of Indianization and provincialization as is recommended in the Report.

Mr. President : The original question was :

" This Assembly recommends to the Governor General in Council :

(1) That the following recommendations of the Royal Commission on the Superior Civil Services in India be in principle approved :

(*a*) that while the existing system of appointment and control of the All-India Services should, in present conditions, be maintained in reserved fields, the following services operating in transferred fields, namely, the Indian Educational Service, the Indian Agricultural Service, the Indian Veterinary Service, the Buildings and Roads Branch of the Indian Service of Engineers in those provinces in which the two branches have been separated, and the Indian Forest Service in Bombay and Burma, should so far as future recruits are concerned be appointed and controlled by Local Governments ;

(*b*) that recruitment of Indians for the Services in reserved fields should be increased as recommended ;

(*c*) that, having particular regard to recommendation (*a*), early steps be taken to constitute the Public Service Commission contemplated by section 96-C. of the Government of India Act, and to enact such legislation as may be necessary ;

(2) That pay, passage, concessions and pensions be granted to the officers of the Superior Civil Services in India approximately on the scale recommended ; and

(3) That the recommendation of the Royal Commission regarding the constitution of Provincial Medical Services in Governors' Provinces be accepted in principle subject to :

(*a*) the employment in the provinces of an adequate military reserve ;

(*b*) the provision of adequate medical attendance for British Officers in the Civil Services and their families ; and

(*c*) the further consideration of the conditions necessary to secure an adequate number of British medical recruits for the needs of the Army."

Since which an amendment has been moved :

" That for the original Resolution the following be substituted :

'PART I.

That having regard to the following among other facts, namely :

(*a*) That the Royal Commission on the Superior Civil Services in India was appointed and allowed to enter upon its functions in utter disregard of the Resolutions passed by the first Assembly.

(*b*) That all questions affecting the Civil Services are inseparably connected with and entirely dependent upon the larger question of the grant of responsible government to India and cannot be entertained and satisfactorily dealt with unless and until the Resolution of this House on responsible government adopted on 18th February 1924, is substantially complied with.

(*c*) That the terms of reference to the said Royal Commission and the recommendations made by it involve the perpetuation of an antiquated and

[Mr. President.]

anachronic system of public services without any attempt to reconstruct the administrative machinery to suit the present day conditions of India which are widely different from those prevailing when it was inaugurated.

(*d*) That the said terms of reference to the said Royal Commission and the recommendations made by it are based on the unwarranted assumption that the existing system of Government both Central and Provincial and the present position, powers and functions of the Secretary of State, the Governor General and the Governors of Provinces would continue indefinitely.

(*e*) That some of the recommendations of the Royal Commission are intended to deprive the Legislatures even of their existing powers by suggesting devices to transfer items of expenditure hitherto subject to the vote of the Assembly and the Provincial Councils to the head of non-votable items.

(*f*) That the said recommendations have introduced racial discriminations in the treatment of the All-India Services.

(*g*) That the said recommendations make the extraordinary provision that officers appointed to the All-India Services after 1919 as also those to be appointed hereafter shall have guarantees against and compensation for being transferred from the reserved to the transferred field of Service—a contingency which they must be taken to be well aware of when they were appointed.

(*h*) That the recommendations of the Commission regarding the Medical Services are entirely unsatisfactory in that (1) they seek to perpetuate the complicated system of interdependence of the Provincial Medical Services upon the irresponsible Military Department; (2) they introduce the objectionable principle and a costly scheme of provision for medical assistance to Europeans on a racial basis; (3) they do not recognise the necessity of the Indian units of the Army being officered by Indian medical officers; and (4) they propose to absorb the present Indian Medical Service into the Royal Army Medical Corps (India)—a step which will practically close the door to Indian medical men in the said corps and thereby also in civil employment.

(*i*) That the inquiry held by the Royal Commission has been unsatisfactory in that the bulk of the evidence on which the bald recommendations of the Commission are based was allowed to be tendered and accepted in camera and no material evidence is either indicated or made available to this Assembly.

This Assembly recommends to the Governor General in Council that the recommendations of the Royal Commission on the Superior Civil Services of India be not accepted'."

I propose to put that first. The question is that the substitution be made for the original Resolution.

7 P.M.

The Assembly divided :

AYES—68.

Abdul Karim, Khwaja.	Ghose, Mr. S. C.
Abhyankar, Mr. M. V.	Goswami, Mr. T. C.
Acharya, Mr. M. K.	Gour, Dr. H. S.
Aiyangar, Mr. C. Duraiswami.	Govind Das, Seth.
Aiyangar, Mr. K. Rama.	Gulab Singh, Sardar.
Alimuzzaman Chowdhry, Mr.	Hans Raj, Lala.
Aney, Mr. M. S.	Ismail Khan, Mr.
Badi-uz-Zaman, Maulvi.	Iyengar, Mr. A. Rangaswami.
Belvi, Mr. D. V.	Jeelani, Haji S. A. K.
Chaman Lall, Mr.	Jinnah, Mr. M. A.
Chanda, Mr. Kamini Kumar.	Joshi, Mr. N. M.
Chetty, Mr. R. K. Shanmukham.	Kartar Singh, Sardar.
Das, Mr. Bhubanananda.	Kasturbhai Lalbhai, Mr.
Das, Mr. Nilakantha.	Kazim Ali, Shaikh-e-Chatgam Maulvi Muhammad.
Datta, Dr. S. K.	Kelkar, Mr. N. C.
Duni Chand, Lala.	Lohokare, Mr. K. G.
Dutt, Mr. Amar Nath.	Malaviya, Pandit Krishna Kant.
Gazzanfar Ali Khan, Raja.	

AYES—68—*contd.*

Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jammadas M.
Misra, Pandit Shambhu Dayal.
Misra, Pandit Harkaran Nath.
Murtuza Sahib Bahadur, Maulvi Sayad.
Mutalik, Sardar V. N.
Nambiyar, Mr. K. K.
Narain Dass, Mr.
Nehru, Dr. Kishenlal.
Nehru, Pandit Motilal.
Nehru, Pandit Shamlal.
Neogy, Mr. K. C.
Patel, Mr. V. J.
Piyare Lal, Lala.
Purshotamdas Thakurdas, Sir.
Ramachandra Rao, Diwan Bahadur M.
Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed.
Rangachariar, Diwan Bahadur T.
Ranga Iyer, Mr. C. S.
Ray, Mr. Kumar Sankar.
Reddi, Mr. K. Venkataramana.
Samiullah Khan, Mr. M.
Sarfaraz Husain Khan, Khan Bahadur.
Shafee, Maulvi Mohammad.
Shams-uz-Zoha, Khan Bahadur M.
Singh, Mr. Gaya Prasad.
Sinha, Mr. Ambika Prasad.
Sinha, Kumar Ganganand.
Syamacharan, Mr.
Tok Kyi, Maung.
Venkatapatiraju, Mr. B.
Vishindas, Mr. Harchandrai.
Yusuf Imam, Mr. M.

NOES—46.

Abdul Qaiyum, Nawab Sir Sahibzada.
Abul Kasem, Maulvi.
Aiyer, Sir P. S. Sivaswamy.
Ajab Khan, Captain.
Akram Hussain, Prince A. M. M.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Bray, Mr. Denys.
Burdon, Mr. E.
Calvert, Mr. H.
Chalmers, Mr. T. A.
Chatterjee, The Honourable Mr. A. C.
Cocke, Mr. H. G.
Crawford, Colonel J. D.
Dumasia, Mr. N. M.
Duval, Mr. H. P.
Fleming, Mr. E. G.
Gidney, Lieut.-Colonel H. A. J.
Hezlett, Mr. J.
Hindley, Mr. C. D. M.
Hira Singh, Sardar Bahadur Captain.
Holme, Mr. H. E.
Hudson, Mr. W. F.
Hyder, Dr. L. K.
Innes, The Honourable Sir Charles.
Lindsay, Mr. Darcy.
Lloyd, Mr. A. H.
Mahmood Schammad Sahib Bahadur, Mr.
Moncrieff Smith, Sir Henry.
Muddiman, The Honourable Sir Alexander.
Muhammad Ismail, Khan Bahadur Saiyid.
Nag, Mr. G. C.
Naidu, Mr. M. C.
Parsons, Mr. A. A. L.
Raj Narain, Rai Bahadur.
Rushbrook-Williams, Prof. L. F.
Sams, Mr. H. A.
Sastri, Diwan Bahadur C. V. Visvanatha.
Setalvad, Sir Chimanlal.
Singh, Rai Bahadur S. N.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Tottenham, Mr. G. R. F.
Webb, Mr. M.
Willson, Mr. W. S. J.
Wilson, Mr. R. A.

The motion was adopted.

Mr. President: As the Government Resolution has now been defeated, it is not necessary to put the next four lines, and I will take the substantive proposal. Further question moved :

"This Assembly further recommends that the following steps be taken in respect of future recruitment and control of the Services, namely :

(*i*) That all further recruitment in England for the Civil Services in India including the Medical Service under the existing rules be stopped.

(*ii*) That a Public Services Commission be established in India and the constitution and functions of that Commission be determined on the recommendations of a committee elected by this Assembly.

(*iii*) That His Majesty's Government be requested to take the necessary steps for the purpose of transferring the powers of appointment and control of the Services now vested in the Secretary of State to the Government of India and the Local Governments, such powers to be exercised under laws to be passed by the Indian and Local Legislatures regulating the public services, including the classification of the Civil Services in India, the methods of their recruitment, their conditions of service, pay, and allowances and discipline and conduct."

The motion was put.

Mr. President : The " Ayes " have it.

Pandit Motilal Nehru : I ask for a division under Rule 53.

Mr. President : The Honourable Member is challenging a division on an issue on which he has had the unanimous vote of the House.

Pandit Motilal Nehru : It was not a unanimous vote. I heard some " Noes ".

Mr. President : But a division has not been challenged.

The motion was adopted.

Mr. President : Further question proposed :

PART II.

" This Assembly is unable in view of the present financial condition of India and on the materials before it to satisfy itself as to the propriety and reasonableness of the recommendations of the Royal Commission in respect of the alleged grievances of those at present holding office in the Civil Services, and cannot with due regard to the interests of the tax-payer assent to the imposing of fresh burdens on the already overburdened finances of the country ;

But in view of the financial relief that will result from the stoppage of all recruitment outside India under the existing rules as recommended above in Part I ;

This Assembly is prepared to consider the alleged grievances of the present incumbents as regards pay, passages, concessions and pensions and recommends such measures of redress as may be found necessary and for that purpose it recommends to the Governor General in Council to take steps for the election of a committee by this House to enable them to go into the entire question on all the materials available to the Royal Commission including the evidence taken in camera or such other material as may be available and to make its recommendations to this House as early as possible."

The motion was adopted.

Mr. President : The question is that this Resolution be the finding of the House.

The motion was adopted.

Mr. Harchandrai Vishindas : Sir, I want to ask whether the Honourable the Leader of the House will be prepared to say whether he can make up the time for questions, that was taken up by the debate to-day, on any other day and, if so, when ?

The Honourable Sir Alexander Muddiman : I cannot say when, but on a short day.

The Assembly then adjourned till Eleven of the Clock on Monday, the 15th September, 1924.

CORRIGENDUM.

In the L. A. Debates, Vol. IV, No. 48, p. 3032, line 11 from the top, *for* " Conference in 1911 " *read* " Conferences in 1911—14 ".

LEGISLATIVE ASSEMBLY

Monday, 15th September, 1924.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

ERECTION OF A PASSENGER SHED AT RASIDPUR ON THE ASSAM BENGAL RAILWAY.

1842. *Mr. Ahmad Ali Khan : (*a*) Are Government aware that owing to the absence of a waiting room or shed of any kind at Rasidpur station (Assam Bengal Railway), passengers are compelled to wait in the open and thereby expose themselves to the inclemency of the weather at all seasons of the year ?

(*b*) Do Government propose to have a shed erected for the convenience of the passengers ?

Mr. A. A. L. Parsons : Government understand that waiting accommodation for passengers at Rasidpur station is being provided and that the work will be put in hand shortly.

APPOINTMENT OF A COAL COMMISSION.

1843. *Mr. Ahmad Ali Khan : Is it a fact that a Coal Commission is going to be appointed in the near future ? If so, what will be the scope of the inquiry and the probable date of appointment ?

The Honourable Sir Charles Innes : Government hope shortly to make an announcement on the subject.

FRACAS BETWEEN GURKHAS AND INDIAN EMPLOYEES OF THE EAST INDIAN RAILWAY.

1844. *Mr. Ahmad Ali Khan : (*a*) Has the attention of Government been drawn to a serious affray at Howrah in which Indian employees of the East Indian Railway were attacked with *kukries* by some 200 Gurkhas of the watch and ward Department ?

(*b*) Will Government state if the Gurkhas are allowed to carry *kukries* even when they are employed in a civil capacity as watch and ward ?

(*c*) Will Government further state if any steps have been taken to prevent a similar occurrence in the future ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) No, they are forbidden to do so.

(*c*) Yes.

NUMBER OF QUESTIONS IN THE DELHI SESSION OF THE LEGISLATIVE ASSEMBLY.

1845. *Haji S. A. K. Jeelani : Will the Government be pleased to state the total number of questions received by the Legislative Department from the non-official Members of the Assembly at its Delhi session ?

Sir Henry Moncrieff Smith : Notice of 1,687 questions was received from non-official Members of the Assembly for the last Delhi session.

CONTRACT WITH THE MOND NICKEL COMPANY.

1845. ***Pandit Shamlal Nehru** : (*a*) Will the Government be pleased to state if any contract has been entered into by, or on behalf of, the Government of India with the Mond Nickel Company for the supply of all metal required for nickel coinage in use in India ? If so,

(*b*) for what period and at what rate has the said contract been entered into ?

(*c*) what was the market price of nickel at the date of the contract at the source of supply ?

(*d*) what is the said rate now ?

(*e*) was any attempt made to ascertain the market price of nickel in other markets and countries at the date of the contract ?

(*f*) what is the total quantity of nickel supplied annually by the Mond Co. since the commencement of the contract and the total amount paid by the Government therefor ?

(*g*) is it a fact that the Mond Nickel concern is wholly or partly owned by Sir Alfred Mond who was a member of Mr. Lloyd George's Cabinet ?

(*h*) what other interests have Sir Alfred Mond's firms acquired in India ?

The Honourable Sir Basil Blackett : The answer to the first part of the question is in the negative. The subsequent portions do not therefore arise.

PROFITEERING BY DEALERS IN SALT.

1847. ***Raja Raghunandan Prasad Singh** : (*a*) Will the Government be pleased to state since when the reduced rate of the salt tax, namely, Rs. 1-4-0 per maund has been in force ?

(*b*) Has the attention of the Government been drawn to the fact that some dealers in salt continued to sell for a long time and at places are still selling salt at the enhanced rate of the year 1923 even after the restoration of the tax to its former level of Rs. 1-4-0 per maund ?

(*c*) Do the Government propose to take prompt steps to stop this sort of profiteering on the part of the salt dealers ?

The Honourable Sir Basil Blackett : (*a*) From 1st March, 1924.

(*b*) Owing to the existence of duty paid stocks, the whole benefit of any reduction of duty does not immediately reach the consumer. This "lag" has varied in different places.

(*c*) Prices are now normal and there is no necessity for intervention by the Government.

FERRY SERVICE BETWEEN MONGHYR AND MONGHYR GHAT.

1848. ***Raja Raghunandan Prasad Singh** : (*a*) With reference to the reply to a question by Mr. Devaki Prasad Sinha given by Mr. A. A. L. Parsons on 1st February 1924, that the question of the dissatisfaction and hardship felt by the public owing to the perfunctory ferry arrangement between Monghyr and Monghyr Ghat would be referred to the

Agent, East Indian Railway, will the Government be pleased to state what reply has been received from the Agent of the East Indian Railway Company ?

(*b*) Are the Government aware that the ferry rate charged at present is very high and that much public feeling exists on this matter at present ?

Mr. A. A. L. Parsons : (*a*) The Agent, East Indian Railway, states that he is not aware of dissatisfaction in the mind of the public regarding the present arrangements and he has received no complaints on the subject. The steamer can hold 761 passengers, whereas the maximum number carried during any one day of six months of last year was 742.

(*b*) No.

ABOLITION OF THE BRANCH POST OFFICE AT BETWAN BAZAR, MONGHYR.

1849. ***Raja Raghunandan Prasad Singh** : (*a*) Will the Government be pleased to inquire and state why the branch post office at Betwan Bazar within the town-area of Monghyr was discontinued some time ago ? Do the Government know that much inconvenience is felt by the public due to the discontinuance of the said branch office ?

(*b*) What is the reason that there should be no "second delivery" system in some of the quarters of the Monghyr town, *e.g.*, Mirzapur, Bindwara, Mohaddipore and Kasim-Bazar ?

(*c*) Do the Government propose to remove this grievance of the Monghyr public at an early date ?

Mr. H. A. Sams : (*a*) The post office, which was a sub-office—not a branch office—was closed because it was working at a substantial loss. A branch office has since been opened in the locality, as the result of representations made by the public to the Postmaster-General, Bihar and Orissa.

(*b*) There is no second delivery in any part of Monghyr town, since all mails (except those from one branch office), are received at 2-20 and 8-19 hours and are included in a single delivery which is issued at 10-30 hours.

(*c*) Government are of opinion that there is no grievance which calls for redress.

NAUTICAL SCHOOLS.

1850. ***Raja Raghunandan Prasad Singh** : Will the Government be pleased to state how many nautical schools, if any, there are already in India to give training in the art of shipping to Indian youths ? When do the Government propose to give effect to the Report of the Mercantile Marine Committee ?

The Honourable Sir Charles Innes : A school is maintained by Sir Mohamed Yusuf at Novha, Bombay, in which boys are trained in the handling of boats. The Bombay Government are also starting a school for lascars this month.

The Report of the Indian Mercantile Marine Committee is still under the consideration of Government.

Mr. K. Ahmed : Do Government propose to expedite action in the matter of the acceptance of the Resolution of this House under which a Committee was formed and has reported on this matter ?

The Honourable Sir Charles Innes : Sir, I must ask the Honourable Member to repeat his question.

Mr. K. Ahmed : Will Government expedite that matter on which a report has already been submitted to this Assembly for a mercantile marine ?

The Honourable Sir Charles Innes : I have already told the House that that Report is still under the consideration of Government. The House may depend upon it that we shall try to expedite consideration as much as possible.

AGREEMENT WITH THE MARCONI COMPANY FOR THE CONSTRUCTION OF BEAM WIRELESS STATIONS.

1851. * **Diwan Bahadur M. Ramachandra Rao** : (*a*) Will the Government be pleased to state whether any agreement has been entered into with Marconis for the construction of beam wireless stations between the Dominions, Britain and India and whether the House of Commons approved of the agreement as announced by Reuter on the 1st August 1924 ?

(*b*) Will the Government be pleased to place the agreement on the table and to state whether the Government of India intend seeking the approval of the Legislative Assembly in regard to the agreement so far as it relates to India ?

The Honourable Mr. A. C. Chatterjee : (*a*) The Government of India understand that, with the approval of the House of Commons, the Imperial Government have entered into an agreement and contract with Marconis for the latter to erect such beam stations *in the United Kingdom* as the Imperial Government deem necessary, having regard to the extent to which beam stations are adopted in the Dominions and India.

(*b*) The agreement does not relate to India. The answer therefore is in the negative.

PRICE OF IMPORTED STEEL ON THE 1ST AUGUST 1924.

1852. * **Diwan Bahadur M. Ramachandra Rao** : Will the Government be pleased to state the price on the 1st of August 1924, of the various kinds of steel (per ton) mentioned in the Schedule to the Steel (Protection) Act, 1924 ?

The Honourable Sir Charles Innes : A statement is laid on the table showing the latest information available.

Statement showing average prices c. i. f. at Bombay Harbour, excluding duty and dock dues, of imported steel during first fortnight of August.

Article.	Continental.	British.
	£ per ton.	£ per ton.
Bars and Rods	7 1 0 to 8 7 6	10 15 0
Plates, ordinary	8 5 0 to 9 0 0	11 5 0
Structural shapes, *i.e.*, Angles, beams, channels, etc.	7 5 0 to 8 0 0	10 7 6
Sheets, black	11 0 0 to 11 10 0	13 0 0
Sheets, galvanised Corrugated ..	..	18 15 0 to 19 15 0
Sheets, galvanised Plain	..	19 5 0 to 20 5 0

APPLICATIONS FROM CANDIDATES OF NON-ASIATIC DOMICILE FOR APPOINTMENTS IN THE ALL-INDIA SERVICES IN 1921, 1922 AND 1923.

1853. *Diwan Bahadur M. Ramachandra Rao : Will the Government be pleased to state (*a*) the number of applications received in England from applicants of non-Asiatic-domicile for appointments in the Indian Police Service in 1921, 1922, and 1923, and the number of vacancies filled up each year ? (*b*) The number of applicants of non-Asiatic-domicile who competed for the Indian Civil Service in 1921, 1922 and 1923 and the number of appointments made in England for the Service in each of those years ? (*c*) The number of applications received for each of the other All-India Services in England from applicants of non-Asiatic-domicile in 1921, 1922 and 1923 ?

The Honourable Sir Alexander Muddiman : Full particulars in respect of all the Services concerned are not available in India, but are being obtained from England.

MEMORANDA FURNISHED TO THE LEE COMMISSION BY THE CENTRAL AND LOCAL GOVERNMENTS.

1854. *Diwan Bahadur M. Ramachandra Rao : Will the Government be pleased to furnish the Members of the Assembly with the memoranda if any furnished to the Lee Commission by the various departments of the Local Governments in each province and by the departments of the Government of India and also the memoranda containing the views of the Local Governments and of the Government of India on the various points which formed the subject of enquiry by the Commission ?

The Honourable Sir Alexander Muddiman : The Government of India understand that Local Governments did not furnish the Commission with departmental memoranda, but gave their opinions on the issues raised by the questionnaires. These opinions form part of the evidence of the Commission and cannot be published. The Government of India supplied the Commission with certain memoranda, but these were strictly confined to statements of fact and expressed no opinions. As however in many cases they contain correspondence with the Secretary of State which the Government of India are not authorised to publish, it is regretted that the memoranda cannot be supplied to Honourable Members.

RELEASE OF SARDAR KHARAK SINGH.

1855. *Lala Duni Chand: 1. (*a*) Will Government be pleased to state if an opinion has been asked from the Punjab Government on the subject of the case of Sardar Kharak Singh as promised by Sir Malcolm Hailey, the then Home Member, in reply to the Resolution regarding the release of Sardar Kharak Singh on 26th February 1924 ?

(*b*) If the reply to (*a*) be in the affirmative, will the Government please lay on the table the copy of the opinion received from the Punjab Government ?

2. Will Government be pleased to state the reasons for not giving effect to the Resolution regarding the release of Sardar Kharak Singh which was adopted by this House on 26th February 1924 ?

The Honourable Sir Alexander Muddiman : The Honourable Member is referred to the answer which I gave to Sardar Gulab Singh's unstarred question No. 306.

PERCENTAGE OF RESOLUTIONS ADOPTED BY THE ASSEMBLY TO WHICH EFFECT HAS BEEN GIVEN BY GOVERNMENT.

1856. *Lala Duni Chand : Will Government be pleased to inform the House what percentage of the Resolutions adopted by this House have been given effect to since the inauguration of the Reforms ?

Sir Henry Moncrieff Smith: The attention of the Honourable Member is invited to the series of statements referred to in the answer given to Mr. K. V. Reddi's question No. 994 on the 24th March, 1924, which is printed at pages 2111 and 2112 of the Legislative Assembly Debates Volume IV, No. 37, and to the statement on pages 2261-2262 of the Assembly Debates dated the 27th May, 1924. The Honourable Member will doubtless be able to work out from these statements the percentage of the Resolutions given effect to by the Government since the inauguration of the Reforms.

RISE IN THE PRICE OF FOOD-STUFFS.

1857. *Lala Duni Chand: (*a*) Are Government aware that the prices of food-stuffs like wheat, gram, etc., have recently gone up very much and if so, is the rise of prices due to export to foreign countries ?

(*b*) If the facts stated in part (*a*) are correct, will Government be pleased to state to which countries food-stuffs are being exported, and in what quantity have they been exported so far, and how much more are they expected to be exported ?

2. Is it not a fact that the export of food-stuffs injuriously affects a large percentage of the poor population in this country and if so, what steps do Government propose to take to remove the sufferings of the poor population of this country caused by the export of food-stuffs ?

Mr. J. W. Bhore : (*a*) The Government are aware that the price of wheat has risen to some extent during recent months but the latest figures show a fall.

(*b*) Statistics of quantities of food-stuffs exported from India with their destination are to be found in the accounts of the Sea-borne Trade which are published monthly and are available in the Secretariat Library.

2. Government cannot subscribe to the suggestion contained in this part of the question. They see no grounds so far for taking any action in the direction indicated but are watching the situation.

FIXING OF PRICES OF COMMODITIES SOLD IN CANTONMENT BAZAARS.

1858. *Lala Duni Chand : (*a*) Are Government aware that the prices of various articles sold daily in the bazaar of Kasauli Cantonment are fixed for a fortnight and any person infringing the schedule of rates so fixed is invariably reported for action and punished ?

(*b*) Is it a fact that the same practice prevails more or less in other Cantonments also ?

(*c*) Are Government aware that there is generally a fluctuation in the prices of various articles in the Indian bazaars and the prices cannot remain stationary for a fortnight ?

(*d*) Is there any rule or law that authorizes the Cantonment authorities to fix prices in such a manner, and if so will the Government quote that rule or law ?

(*e*) If the facts, as stated in (*a*), (*b*) and (*c*) are correct, do the Government propose to take steps to redress this grievance of the persons concerned ?

Mr. E. Burdon : (*a*) Government understand that the Cantonment Authority, Kasauli, publishes at intervals a list of the prices of articles. It is reported that since the Cantonment Act, 1924, became law no action has been taken against anyone for selling articles at higher rates than those published.

(*b*) Government have no information on the point

(*c*) Government are aware that prices fluctuate.

(*d*) There is no rule or law authorising cantonment authorities to fix prices.

(*e*) Government propose to inform all cantonment authorities that any lists of prices that they may publish can only be regarded as a guide to intending purchasers and that action cannot be taken against vendors for selling at prices higher than those notified.

SUPPRESSION OF THE OPIUM TRAFFIC.

1859. ***Lala Duni Chand** : 1. (*a*) Has the attention of Government been drawn to an extract from a letter written by an American lady to Mahatma Gandhi, published in " The Young India " of 31st July 1924, in which she, on the strength of a quotation from a bulletin, issued by the British Society for the suppression of the opium trade, says :

" India is still permitted to supply five Eastern Governments with as much opium as they officially ask for, that in spite of the boasting that she does not sell the drug to private persons in those five countries, by agreement she drenches them with narcotics, which find their way by smugglers into China, and that while a Dangerous Drug Act forbidding the unlicensed possession of opium and its derivatives is passed for England, the British India Government yet maintains this scandalous and nefarious traffic " ?

(*b*) Are the facts stated in part (*a*) correct, and is the indictment brought by the British Society for the suppression of the opium trade against the Government of India true ?

2. Are Government prepared to take any steps or adopt measures to remove or extenuate the existing state of things in the matter of manufacture and export of opium to other countries ?

The Honourable Sir Basil Blackett : 1. (*a*) The answer is in the affirmative.

(*b*) No. The accusation is on the face of it a hysterical misrepresentation of the facts and entirely false both in its substance and in its implications.

2. The Government of India are strictly complying with their obligations under the Hague Opium Convention in the matter of export of opium and are not prepared to take further action independently of these obligations. If the importing Governments concerned decide to restrict the amount imported, the exports from India will be automatically reduced. The fact that this involves a further reduction in the revenues of the Government of India, which have already been greatly reduced by the action voluntarily taken by the Government of India, will not for a moment be allowed to affect the Government's attitude. But it is for the other Governments concerned, if they think that the opium imported is not being

put to legitimate uses—of which I have no evidence—and not for the Government of India, to take action. Indeed action by the Government of India would seem to involve an unwarrantable slur on the good faith and capacity of the other Governments in question.

Dr. H. S. Gour : May I beg to inquire, in view of the fact that the Government of India adhere to the Hague Opium Convention, what steps they have taken to assure themselves of the fact that the non-export of Indian opium does not stop the consumption of opium and that there has not been a large production of indigenous opium in China which replaces exported Indian opium, thereby entailing upon the Indian revenue a considerable loss which is not justified by the correspondingly reduced consumption of opium in the countries to which exports from India were previously made ?

The Honourable Sir Basil Blackett : I think that the Honourable gentleman is correct in suggesting that the results of the stoppage of export of opium from India hitherto have been somewhat disappointing. It is very doubtful if there has been any decrease in the consumption of opium in China and there has been a large increase in the exports of opium from Persia and Turkey.

Dr. H. S. Gour : And the local growth of opium, the local cultivation of opium reported in all the papers of India.

The Honourable Sir Basil Blackett : I implied that in my answer.

NUMBER OF WIDOWS IN INDIA.

1860. ***Dr. H. S. Gour** : (*a*) Has the attention of the Government been drawn to the statement by Mrs. Wemyss Grant, M.D., and published in the *Statesman* of July 31, 1924, to the effect that no less than a million and a half of girls in each generation suffer from enforced widowhood at the age of ten ; and that five in every thousand of the female population are widows below the age of ten ; sixteen are widows between the ages of ten and fifteen ; and forty-one widows between the ages of fifteen and twenty ?

(*b*) Is the statement correct ?

(*c*) If not, what are the correct figures ?

The Honourable Sir Alexander Muddiman : (*a*) The answer is in the negative.

(*b*) and (*c*). The Honourable Member is referred to Table VII in Vol. I, Part II (Tables) Census of India, 1921, and to Chapter VII, Part I of the Report.

CONSTITUTIONAL REFORMS.

1861. ***Mr. A. Rangaswami Iyengar** : Will the Government be pleased to state, with reference to the answer to my supplementary question to question No. 1225 of the 4th June last whether they will lay on the table of the House :

(*i*) the Report of the Muddiman Committee referred to in the press communiqué of the 18th May last,

(*ii*) the Memorandum referred to in the press communique of the 23rd May last,

(*iii*) opinions submitted by the Local Governments called for by the Government of India upon the Resolution carried in the Assembly on 18th February last and in pursuance of the undertaking given by Sir Malcolm Hailey to the House at the time,

(*iv*) the further material placed before the Committee now sitting and the questionnaire calling for evidence and opinions of responsible and representative Indians ?

The Honourable Sir Alexander Muddiman : Government are at present unable to accede to the request of the Honourable Member.

Mr. A. Rangaswami Iyengar : May I know when it will be possible for the Government to accede to the request ?

The Honourable Sir Alexander Muddiman : When they have received the report of the Committee, they will be able to consider the question.

CONSULTATION WITH THE LEGISLATURE IN CASES OF ALTERATION OF THE STATUTORY RULES.

†1862. ***Mr. A. Rangaswami Iyengar** : Will the Government be pleased to state :

(1) with reference to the reply of the Government to questions No. 1291 and No. 1350 on the 5th and 6th June last,

(*i*) whether the Secretary of State or the Government of India or both considered the " desirability of consulting the Indian Legislature " with reference to the new Statutory Rules contained in No. F.-76-I.|24-A., Legislative Department published in the Gazette Extraordinary of the 21st July in accordance with the procedure set out by the Under Secretary of State in the House of Commons in May last,

(*ii*) if so, what the result of that joint or separate consideration was;

(*iii*) and what the reasons, if any, were that induced the Government to ignore the Legislatures ;

(*iv*) whether it is to be understood as the Government's settled policy that the Legislatures should not in such case of alteration in Statutory Rules be consulted at all ?

NEW RULES RELATING TO SUPPLEMENTARY GRANTS.

1863. ***Mr. A. Rangaswami Iyengar** : (1) Will the Government be pleased to state :

(*i*) whether they intend immediately to avail themselves of the new Rules as to supplementary grants in the Assembly in respect of any of the rejected or reduced grants which were expressly left unrestored by the Governor General in March last ? If so, what would be the heads of demands so dealt with ?

† For answer to this question—*see* below question No. 1663.

(*ii*) If not, what were the circumstances that necessitated the urgent framing of these new Rules and their notification in a Gazette Extraordinary and what were the reasons that induced the decision, if any, not to consult the Assembly before making them ?

(2) Will the Government be pleased to state whether before making the Rules they satisfied themselves that there was any parallel or precedent or support in principle in the practice and procedure of any other Legislatures within the Empire, for the making of such Rules, or that there was any instance in any of those Legislatures in which excess or supplementary grants were made to mean re-grants of grants once refused or reduced ; if not, do they now propose to do so and report the result to the Secretary of State for submission to Parliament ?

The Honourable Sir Alexander Muddiman : I have nothing to add to the reply given by me to Mr. Neogy's question No. 1735, dated the 3rd September 1924, relating to the same subject. This reply also covers the Honourable Member's question No. 1863.

Mr. A. Rangaswami Iyengar : Question No. 1863.

Mr. President : The Honourable Member said that the answer to question No. 1862 covers also No. 1863.

THE KRISHNASAGARA AND METUR PROJECTS.

1864. ***Mr. A. Rangaswami Iyengar** : Will the Government be pleased to state with reference to their answers to my question No. 1345 on the 6th June last and the supplementary questions thereon :

(*i*) Whether the " necessary inquiry " promised in the last reply on the matter was made and if so, with what result ?

(*ii*) Whether the matter of the immediate publication of the agreement between the Mysore and Madras Government regarding the Krishnasagara Dam received " due consideration " at the hands of the Government of India as promised by Sir B. N. Mitra and if so, when and with what result ?

(*iii*) Whether the publication of the agreement was purposely delayed till the Secretary of State's assent was obtained and so as to put it beyond the power of the landholders concerned to make reasoned and renewed representations ; if not, what was the reason for delaying its publication till after the Secretary of State had signified his approval thereof ?

(*iv*) When the Government of India sanctioned the Metur Project and when they approved the estimates ?

(*v*) Whether they at any time applied or authorised the Madras Government to apply for permission to carry out this Project lower down the river Cauvery and within wholly British territory ?

The Honourable Mr. A. C. Chatterjee : (*i*) The inquiry proved unnecessary, as information was available that the Government of Madras had not published the Agreement.

(*ii*) Yes, but while the question was under consideration the Secretary of State's assent to the agreement was received.

(*iii*) The Hon'ble Member is referred to part (*c*) of the Hon'ble Sir Bhupendra Nath Mitra's reply to his question No. 1345 of the 6th June last.

(*iv*) The Metur Project has not yet been sanctioned nor the estimates approved.

(*v*) No. There was no question of permission. It will be clear to the Honourable Member that no project could go forward until the amount of water available for it was settled, and no such settlement was possible until a decision was reached as to the partition of the Cauvery discharge between the Governments of Madras and Mysore.

BASIS OF THE RECRUITMENT CALCULATION SUPPLIED TO THE LEE COMMISSION.

1865. ***Mr. A. Rangaswami Iyengar**: (*a*) Will the Government be pleased to lay on the table the calculations which were supplied to the Royal Commission on the Superior Civil Services referred to in paragraph 35 of their Report which would enable recruitment on the scale recommended by them of Indians and Europeans and produce a 50 to 50 cadre in about fifteen years ; and

(*b*) Will the Government be pleased to explain on what basis it has been assumed that there would be a future rate of retirement amongst officers, of not less than 10 per cent above the normal ; and will the Government also lay on the table of the House all the information upon which this assumption and the calculations referred to have been made ?

The Honourable Sir Alexander Muddiman: The calculations referred to were not supplied by the Government of India to the Royal Commission and have not been communicated to the Government of India by the Royal Commission. The Government of India, however, have subsequently examined the question for themselves. Calculating on the basis of the number of officers now in the Indian Civil Service and the normal rate of retirement to be expected, it may be anticipated that 738 European officers out of a total of 1,111 will have retired after 15 years, leaving 373 still serving of those now in the Service. The full number of European recruits required on the proposals of the Lee Commission is about 22 annually, which would mean 330 in 15 years. But it is evident that this year we shall be about 15 short in European recruitment. Therefore assuming that in future our requirements are met in full we shall get about 315 recruits in 15 years. Some of these will become casualties, and the addition to our European strength at the end of 15 years would not be much above 300. Adding this to the 373 officers still expected to be serving, the total European strength after 15 years appears likely to be about 675 out of a sanctioned strength of 1350 or exactly one half. This, however, makes no allowance for the rate of retirement above the normal. It appears to the Government of India on the whole that the Royal Commission have understated rather than overstated the rapidity in the process of Indianization in the Indian Civil Service to be anticipated from their recommendations. The reference by the Commission to a rate of retirement 10 per cent. above the normal is understood by the Government of India to mean that instead of taking the normal rate of decrease of about 4 per cent. annually, they would have assumed a rate of about 4.4 per cent.

Mr. A. Rangaswami Iyengar : Are the Government of India in a position to state as to whether the assumption of retirements of 10 per cent. above the normal includes retirements which might take place on political grounds ?

The Honourable Sir Alexander Muddiman : I think it is assumed to deal with the possibility of short recruitment.

PROFITS FROM THE CONTROL OF ENEMY SHIPS, ETC.

1866. ***Mr. A. Rangaswami Iyengar :** Will the Government be pleased to state with reference to the statement of the Honourable the Finance Member in paragraph 21 of his Financial Statement on the 29th of February last, whether the profits from the control of enemy ships and similar items which had been lying in suspense, have since been definitely ascertained and, if so, what the amount is ?

The Honourbale Sir Basil Blackett : The exact amount to be credited to Indian revenues has not yet been definitely ascertained. The matter is being settled by the India Office with the Home Government.

RESULT OF THE APPEAL TO THE PRIVY COUNCIL IN THE CASE OF THE LEVY OF CUSTOMS DUTIES ON STORES IMPORTED BY RAILWAY COMPANIES.

1867. ***Mr. A. Rangaswami Iyengar :** (*a*) Will the Government be pleased to state in what state the appeal made to the Privy Council in respect of the levy of customs duties referred to in paragraph 9 of the Honourable the Finance Member's Statement on account of the stores imported by Railway Companies is, and

(*b*) Whether the Government of India expect to recover the fifty lakhs therein referred to ?

The Honourable Sir Basil Blackett : (*a*) The appeal has not yet been decided

(*b*) And the recovery will depend on the decision of the Privy Council.

LIQUIDATION OF THE ALLIANCE BANK OF SIMLA.

1868. ***Mr. Bhubanananda Das :** Has the attention of Government been drawn to the :

(*a*) report of the liquidators,

(*b*) report of the creditors' committee,

(*c*) opinion of five counsel on these reports, on the Alliance Bank of Simla Ltd. ?

The Honourable Sir Alexander Muddiman: Yes.

LIQUIDATION OF THE ALLIANCE BANK OF SIMLA.

1869. ***Mr. Bhubanananda Das :** Will Government be pleased to state :

(*a*) what steps have the Government taken to secure investigation into the affairs of the Alliance Bank and of the group Companies, which were promoted and run by Boultons ?

(*b*) whether Government intend to send down a special officer for a simultaneous examination of all the books of the various Companies ?

(*c*) whether Government have abandoned the intention of punishing guilty parties if any in connection with the failure of the Alliance Bank of Simla ?

1869. **The Honourable Sir Alexander Muddiman** : (*a*), (*b*) and (*c*). The Alliance Bank is being wound up voluntarily and Government have taken no part in the investigation of the Bank's affairs, but they are now taking the opinion of their legal advisers in India as to what action it is possible and advisable for them to take and have forwarded copies of the reports of the liquidators and Committee of investigation to the Secretary of State for such action as the authorities in England may consider it possible to take.

REPAYMENT OF ADVANCES MADE BY THE IMPERIAL BANK TO THE ALLIANCE BANK OF SIMLA.

1870. ***Mr. Bhubanananda Das** : Will Government be pleased to state how much still remains to be paid by the Alliance Bank liquidators to complete the repayment of advances made by the Imperial Bank of India under Government guarantees ?

The Honourable Sir Basil Blackett : This question has already been answered.†

DIFFICULTY OF SECURING THE PRESENCE IN INDIA OF THE DIRECTORS AND MANAGERS OF THE ALLIANCE BANK OF SIMLA, ETC.

1871. ***Mr. Bhubanananda Das** : Will Government be pleased to state whether any of the liquidators of the Alliance Bank, Development Trust of India and the other Companies, with which Boultons were associated, have found it difficult to secure the presence in India of the Boultons or some of the Directors and Managers of these concerns ?

The Honourable Sir Alexander Muddiman : Government have no information other than that given in the report of the Investigation Committee.

PROSECUTION OF DIRECTORS OF THE ALLIANCE BANK OF SIMLA AND OF THE ANGLO-INDIA STEAM NAVIGATION CO., LTD.

1872. ***Mr. Bhubanananda Das** : (*a*) Has the attention of the Government been drawn to the judgment of :

(*i*) the Bombay High Court on the Directors of the Anglo-India Steam Navigation Co., Ltd.

(*ii*) the Calcutta High Court on the Directors of the Alliance Bank of Simla, Ltd. ?

(*b*) Is it a fact that the Calcutta judgment is based on section 235 of the Indian Companies Act ?

(*c*) Do Government contemplate to prosecute any of the directors and officers under sections 236 and 237 ?

The Honourable Sir Alexander Muddiman : (*a*) Yes.

(*b*) and (*c*). I would refer the Honourable Member to the reply which I have just given to question No. 1869.

† *Vide* page 3011 of Legislative Assembly Debates, Vol. IV.

AMENDMENT OF THE INDIAN COMPANIES ACT.

1873. *Mr. Bhubanananda Das : Will Government be pleased to state if they contemplate any amendment of the Indian Companies Act to safeguard the interest of the investors and to prevent frauds hereafter ?

The Honourable Sir Charles Innes : The Government have noted from time to time various points in which an amendment of the Indian Companies Act requires consideration, but they are unable to indicate at present when they are likely to bring in a Bill on the subject.

Mr. Bhubanananda Das : Do Government think that the investors' interests and privileges are properly safeguarded by the Companies Act ?

The Honourable Sir Charles Innes : If the Honourable Member will give me particulars of any point in which he thinks that the privileges of investors are not protected, I will certainly consider that point.

LOSS ON ORDERS PLACED WITH THE METAL AND STEEL FACTORY, ISHAPORE.

1874. *Mr. T. C. Goswami : (*a*) Will Government please lay on the table a comprehensive statement by the Controller of Army Factory Accounts, regarding orders from the B. N. Railway, N. W. Railway, S. M. Railway, and the Telegraph Department to the Metal and Steel Factory in 1922-1923 when Mr. Grimston was the Superintendent ?

(*b*) What was the total amount of loss incurred by the Factory on these transactions ? What was the actual amount paid for transport only ?

Mr. E. Burdon : (*a*) I will furnish the Honourable Member separately with a copy of the statement desired by him.

(*b*) The total loss during 1922-23 amounted to Rs. 31,235-13-8. Nothing was paid on account of transport.

CASES OF FRAUD IN THE POST OFFICES IN THE BURDWAN DIVISION.

1875. *Mr. Amar Nath Dutt : (*a*) Are Government aware of the frequent cases of fraud and misappropriation in the post offices in the Burdwan Division ?

(*b*) If so, have the Government inquired into the causes of these frequent cases ?

(*c*) Are Government prepared to consider the question of converting the Burdwan Head Post Office into a First Class Head Post Office ?

Mr. H. A. Sams : (*a*) The number of cases of fraud and misappropriation in the Burdwan Division is no larger than may be expected in a Division of its size.

(*b*) Each case is carefully inquired into in the ordinary course. A general inquiry is unnecessary.

(*c*) Government are of opinion that there is no administrative reason for converting the office into a First Class Head Office.

SANCTION OF 17 CLERKS FOR THE BURDWAN POSTAL DIVISION.

1876. *Mr. Amar Nath Dutt : Will the Government be pleased to state the reasons for not posting seventeen clerks to the Burdwan Division

as suggested during the last *Time Test* ? Do the Government propose to take into consideration the above fact and sanction seventeen clerks for the Burdwan Division ?

Mr. H. A. Sams : The Superintendent of Post Offices, Burdwan Division, proposed the employment of 15—not 17—more clerks in the post offices in his Division and the proposals are under examination by the Postmaster-General, Bengal and Assam. Such additional appointments as are found to be justified will be sanctioned by me.

PROVISION OF FREE QUARTERS FOR THE SIGNALLERS OF THE BURDWAN HEAD POST OFFICE.

1877. ***Mr. Amar Nath Dutt :** Will the Government be pleased to state the reasons for requiring the signallers of the Burdwan Head Post Office to sleep in the office during the flood season without providing them with free quarters as at Asansol ?

Mr. H. A. Sams : The signaller of the Asansol post office, who is provided with free quarters, has frequently to carry out tests at night, in connection with the insulation of the telegraph wires. It is therefore necessary for him to live on the premises. The same necessity does not exist in the case of the one signaller of the Burdwan post office, who is required to sleep on the premises only very occasionally during the flood season. The number of nights in the present year spent by him in the office was only four.

GRANT OF COALFIELD ALLOWANCES TO POSTAL OFFICIALS OF THE BURDWAN DIVISION.

1878. ***Mr. Amar Nath Dutt :** Will the Government be pleased to state the reasons for not granting coalfield allowances to the postal officials of the Burdwan Division as is done in the Behar Circle ?

The Honourable Mr. A. C. Chatterjee : The question has not yet been referred to Government.

INADEQUACY OF STAFF IN THE OFFICE OF THE SUPERINTENDENT OF POST OFFICES, BURDWAN DIVISION.

1879. ***Mr. Amar Nath Dutt :** (*a*) Will the Government be pleased to state the reasons for the paucity of the staff in the office of the Superintendent of Post Offices, Burdwan Division, as compared with that of the Mymensingh Division ? Is it a fact that the work in the latter division is not heavier than in that of the former ?

Mr. H. A. Sams : The work in the office of the Superintendent of Post Offices, Burdwan Division, is much lighter than that in the office of the Superintendent of Post Offices, Mymensingh Division.

INCREASED REMUNERATION TO BABU SAILESH CHANDRA CHAKRABARTY FOR THE PERIOD OF HIS DEPUTATION TO THE CENTRAL TELEGRAPH OFFICE, CALCUTTA.

1880. ***Mr. Amar Nath Dutt :** Will the Government be pleased to state the reasons for withholding increased remuneration for the period of Babu Sailesh Chandra Chakrabarty's deputation to the Central Telegraph Office at Calcutta in the year 1929 ?

The Honourable Mr. A. C. Chatterjee : Government have no information and I have no doubt that, if the individual referred to has any grievance he would address the Director General or the Government in the usual manner.

COMPENSATION TO BABU SAILESH CHANDRA CHAKRABARTY FOR INJURIES RECEIVED BY HIM ON FIELD SERVICE.

1881. ***Mr. Amar Nath Dutt :** Will the Government be pleased to state the reasons for withholding compensation for injuries received on field service by Babu Sailesh Chandra Chakrabarty in spite of the certificate from the Medical Board that he has a slight defect due to the injuries received on field service ?

The Honourable Mr. A. C. Chatterjee : Government have no information and I have at present no reason to believe that the usual rules were departed from in this instance.

PROVISION OF FREE QUARTERS FOR CERTAIN CLERKS OF THE BURDWAN POSTAL DIVISION.

1882. ***Mr. Amar Nath Dutt :** (*a*) Are the Government aware that some postal officials in the clerical cadre of the Burdwan Division have to attend so early as 4 and 4-30 A.M. in connection with their official duties and that not being provided with free departmental quarters they suffer great hardship ?

(*b*) Do the Government propose to take necessary steps to provide such officials with free departmental quarters ?

The Honourable Mr. A. C. Chatterjee : (*a*) and (*b*). Only one official is required to come on duty at 4-30 A.M.—none at 4 A.M. Government are not aware that any hardship is caused but an inquiry will be made.

REVISION OF PAY OF BRITISH MILITARY OFFICERS.

1883. ***Mr. A. Rangaswami Iyengar :** Will the Government be pleased to state :

(*a*) whether any scheme for the revision of the pay of British Officers in the Indian Army and British Officers of the British Army serving in India has been submitted to the Secretary of State ;

(*b*) if so, when the proposals involved in the said scheme were started and whether these proposals or any of them came under the scrutiny or notice of the Retrenchment Committee in 1923 with reference to the existing and expected expenditure of the Government in the Military Department and the prospective scheme of retrenchment recommended by them ;

(*c*) whether the scheme will be placed on the table of the House or a statement will be made to the House of its main features with particular reference to the financial burdens and results thereby involved ;

(*d*) whether it is a fact, as the " London Times " Simla correspondent has stated in its issue of the 11th July last, that the scheme " is designed to improve the lot of the married officer though it will reduce the pay of the unmarried commissioned ranks " ;

(*e*) whether the attention of the Government has been drawn to the question put in the House of Commons by Lady Astor on the 15th July last and the supplemental questions thereon and the reply of the Under Secretary Richards to the effect that the decision of the India Office to apply 5¼ per cent. reduction to the whole pay of the officers of the Indian Army was being reconsidered and that in any case the revised rates of pay would date from July 1st ;

(*f*) whether any provision has been made for the purpose in the current year's Budget, and if so, under what head ;

(*g*) if not, whether any part of this expenditure is votable and whether any demand will be moved for a supplemental or excess grant under any head thereof to enable the House to discuss the scheme ?

Mr. E. Burdon : (*a*) Yes.

(*b*) Consideration of the matter was initiated in November 1923, that is, after the Retrenchment Committee had submitted their Report.

(*c*) It is not proposed to lay on the table a copy of the scheme in its present form, and Government are not at present in a position to make to the House any more detailed statement on the subject than that which I will now give. The existing rates of pay of King's commissioned officers of the Army in India were adopted for a period of 5 years in 1919 ; and under the announcement made in Army Instruction (India) No. 914 of 1919, which followed a similar announcement made in the United Kingdom, these rates of pay were due to be revised in 1924 with reference to the cost of living. I invite the attention of the Honourable Member in this connection to the observations in paragraph 3 *et seq* on pages 281-282 of the Indian Retrenchment Committee's Report. It is in compliance with the undertaking which I have mentioned that the rates of pay of Army officers have been reviewed. While doing this the opportunity has been taken of considering whether it is not desirable to introduce in India the differentiation between the pay of single and married officers which was adopted in the United Kingdom in 1919, and also of considering the possibility of removing certain anomalies which have come to light in the experience of the past 5 years. The whole matter is still under discussion between the Government of India and the Secretary of State, and no final conclusion has yet been reached.

(*d*) It is a feature of the scheme which has so far been framed that the married officer should receive an allowance which would not be given to the single officer, and that in this way the unmarried officer should receive less emoluments than the married officer.

(*e*) Government have seen reports of the questions and answers in the House of Commons referred to by the Honourable Member.

(*f*) While no specific provision was made for the purpose in the current year's budget, it is not anticipated that the scheme which has so far been framed would if accepted involve any excess over the total of the Army Estimates for the year.

(*g*) The expenditure is not votable, and as already stated, no supplementary grant would be involved but an opportunity for discussion in the Assembly would no doubt arise in connection with the revised budget for 1924-25 and the original budget for 1925-26.

OPINIONS OF THE CENTRAL AND PROVINCIAL GOVERNMENTS ON THE RECOMMENDATIONS OF THE LEE COMMISSION.

1884. *Mr. A. Rangaswami Iyengar : Will the Government be pleased to state whether they have transmitted the conclusions and opinions of the Central and Provincial Governments on all or any of the parts of the recommendations of the Lee Commission ; if so, whether they will communicate the same to this House ; if not, whether they intend to do so after this House conveys to them its own Resolutions on the said recommendations ?

The Honourable Sir Alexander Muddiman : The opinions of the Local Governments have been laid on the table. The provincial conclusions of the Government of India have been stated in the course of debate.

ADDITIONAL EXPENDITURE INVOLVED IN THE RECOMMENDATIONS OF THE LEE COMMISSION.

1885. *Mr. A. Rangaswami Iyengar : Will the Government be pleased to place before the Assembly a statement showing what parts of the additional expenditure involved in the several recommendations of the Lee Commission will be borne on the Central Estimates and the several Provincial Estimates respectively and what parts and amounts of the said estimates will be votable and what parts will be non-votable or become non-votable in consequence of the recommendations ?

The Honourable Sir Basil Blackett : I would invite the attention of the Honourable Member to the reply given to an unstarred question on the same subject by Diwan Bahadur M. Ramachandra Rao. I regret that it is not possible to estimate how much of the cost will be votable and how much non-votable, as the calculation would involve looking up the case of each officer affected by the recommendations. I can say, however, that the greater part of the cost will be non-votable as occurring on account of officers appointed by the Secretary of State.

GRANT OF PRIVILEGES IN RESPECT OF INDIAN COASTING TRADE TO FOREIGN SHIPS.

1886. *Mr. Kumar Sankar Ray : Will the Government be pleased to state if any ships of any foreign country have been granted any rights or privileges in respect of the coasting trade in British India by His Majesty the King Emperor or any of His Imperial predecessors as contemplated in section 736 of the British Merchant Shipping Act, 1894 ?

The Honourable Sir Charles Innes : So far as the Government of India are aware, the answer is in the negative.

INCREASE OF STAFF ON THE B. S. B. SECTION OF EASTERN BENGAL RAILWAY.

1887. *Mr. Kumar Sankar Ray : (*a*) Will the Government be pleased to state if the number of trains on the B. S. B. section of the E. B. Ry. has increased owing to the extension of broad gauge to Parbatipur ?

(*b*) If so, will the Government be pleased to state if the train passing work of that section has consequently been increased and the staff has to work more than what they used to do ?

(*c*) If so, will the Government be pleased to state if the staff has to work 12 hours or more at a stretch a day ?

(*d*) If so, will the Government be pleased to state if they are going to post additional staff such as Assistant Station Masters for passing trains on the B. S. B. section ?

Mr. A. A. L. Parsons : Inquiry has been made and the result will be communicated to the Honourable Member in due course.

GRANT OF A GRATUITY TO THE WIDOW OF SHEWDAYAL PANDEY, LATE POINTSMAN AT NASRATPUR ON THE EASTERN BENGAL RAILWAY.

1888. ***Mr. Kumar Sankar Ray** : (*a*) Are the Government aware that the wife of the late Shewdayal Pandey, pointsman of Nasratpur station of the E. B. Ry., complained that her husband died in Bogra Hospital on the 17th January 1924, having received no medical aid from the railway doctor ?

(*b*) If so, will the Government be pleased to state if they are aware that the said pointsman was first examined by the railway doctor of Fulchari, who sent him to the medical officer, Santahar, for admitting him into his hospital and he sent him to the Chief Medical Officer, Calcutta, recommending him for long leave and the medical officer at Calcutta instead of arranging leave or treatment discharged him ?

(*c*) If so, will the Government be pleased to state if they are prepared to make a sifting inquiry into the matter and punish the person at fault ?

(*d*) Will the Government be pleased to state if they are prepared to pay any compensation to the wife of the deceased ?

(*e*) If not, why not ?

Mr. A. A. L. Parsons : (*a*) No.

(*b*) Pointsman Shewdayal Pandey, who was suffering from Kala Azar, was first seen by the Railway Sub-Assistant Surgeon of Fulchari in whose district he was. The Sub-Assistant Surgeon recognising the serious nature of the case sent him to the Railway District Hospital at Santahar for treatment under the medical officer but the pointsman refused to stay and as he could not be returned to duty he was sent to the Railway Chief Medical Officer for examination. He refused to accept further medical aid from the railway. The Chief Medical Officer offered to make arrangements for his admission to the Tropical School of Medicine but he refused this offer also and stated that he wanted to be allowed "to go home and die". He was therefore invalided out of the service and granted the necessary certificate.

(*c*), (*d*) and (*e*). In view of the reply to (*b*) there is no need for any such inquiry, and the Agent, Eastern Bengal Railway, will grant the widow such gratuity as may be admissible under the rules.

CASE OF MR. DEE, GUARD ON THE EASTERN BENGAL RAILWAY.

1889. ***Mr. Kumar Sankar Ray** : (*a*) Are the Government aware that Guard Dee of E. B. Ry. was discharged from service as he was declared unfit for further railway service by Dr. Bishop, Chief Medical Officer, E. B. Railway ?

(*b*) If so, will the Government be pleased to state if he was declared fit for railway service by Dr. Nable, the Acting Chief Medical Officer of the E. B. Railway, after a few days ?

(*c*) If so, will the Government be pleased to state if they considered the appeal for reinstatement preferred by Guard Dee ?

(*d*) If not, why not ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) Government have no information.

(*c*) and (*d*). An appeal was received from Mr. Dee and was sent to the Agent for disposal as the matter was one within his competence to deal with.

DISCHARGE OF CERTAIN MENIAL STAFF OF THE EASTERN BENGAL RAILWAY.

1890. ***Mr. Kumar Sankar Ray :** (*a*) Will the Government be pleased to state if the menial staff of the E. B. Railway has to execute any service agreement ?

(*b*) If not, will the Government be pleased to state if it is a fact that the E. B. Railway discharged the following Transhipment Staff of Santahar as per terms of agreement ?

(*i*) Sheik Jahar Ali, Watchman.

(*ii*) Rambuksh Paul, Watchman.

(*iii*) Ramdas Ahir, Watchman.

(*iv*) Ram Samuj, Chamar, Watchman.

(*v*) Abdur Rahman, Porter.

(*c*) If it is a fact, will the Government be pleased to state what agreement the discharged staff executed ?

Mr. A. A. L. Parsons : (*a*), (*b*) and (*c*). Government have no information and as the matters referred to are within the competence of the Railway Administration to deal with they do not propose to make any inquiries.

ALLEGATIONS OF BRIBERY AGAINST THE MENIAL ESTABLISHMENT CLERK OF THE OFFICE OF THE DISTRICT TRAFFIC SUPERINTENDENT, OF THE EASTERN BENGAL RAILWAY, DACCA.

1891. ***Mr. Kumar Sankar Ray :** (*a*) Are the Government aware that while Mr. Sim was District Traffic Superintendent of the E. B. Railway at Dacca, certain allegations of bribery were made to him against the menial establishment clerk ?

(*b*) If so, will the Government be pleased to state if any inquiry was held and with what result ?

Mr. A. A. L. Parsons : (*a*) Government have no information.

(*b*) Does not arise.

GRIEVANCES OF THE EASTERN BENGAL RAILWAY INDIAN EMPLOYMENTS' ASSOCIATION.

1892. ***Mr. Kumar Sankar Ray :** Will the Government be pleased to state if the Agent, E. B. Railway, received from the E. B. Railway Indian Employees' Association a list of grievances and whether the Agent has given a deputation from the said Association an opportunity of discussing these grievances with him ? If not, why not ?

Mr. A. A. L. Parsons : Yes, the Agent received a list of grievances from the Eastern Bengal Railway Indian Employees' Association but as the recognition previously accorded to the Association had been withdrawn, no reply was sent and no deputation from the Association to discuss them could be received.

Mr. Chaman Lall : May I ask the Honourable Member why the recognition was withdrawn ?

Mr. A. A. L. Parsons : The recognition was withdrawn because, as far as I recollect, the Agent was invited to attend a meeting of the Association and was treated with gross discourtesy by the people present at that meeting.

Mr. N. M. Joshi : May I know, Sir, what was the act of discourtesy ?

Mr. A. A. L. Parsons : I would like to have a notice of that question as I do not recall the exact details.

COLONIALS IN THE INDIAN SERVICES.

1893. ***Mr. Kumar Sankar Ray** : Will the Government be pleased to state the number and names of officers in the different Indian services under the direct control of the Government of India coming from the various British possessions other than the British Isles and India and the posts held and salaries drawn by them ?

The Honourable Sir Alexander Muddiman : The information is being collected and will be supplied to the Honourable Member in due course.

REPAYMENT OF 1926-31 LOAN RAISED IN GREAT BRITAIN.

1894. ***Mr. Kumar Sankar Ray** : Will the Government be pleased to state whether a 1926-31 loan has been raised in the British Isles by the Government of India at an interest of 7 per cent. per annum on condition that it can be converted to a 3 per cent. loan for double the amount redeemable only after a long period of time ? If so, what is the term of such renewed loan and whether the Government contemplate paying off this loan by raising a fresh loan on better terms ?

The Honourable Sir Basil Blackett : The Honourable Member is apparently referring to the 7 per cent. sterling loan raised in April 1921. The terms of conversion of that loan into 3 per cent. India Stock were published in a press communiqué, dated the 20th April 1921. This latter stock is not redeemable until the 5th October 1948 but may be redeemed on or after that date upon one year's previous notice having been given by the Secretary of State for India in Council.

The last part of the question presumably refers to that portion of the 7 per cent. loan which has not already been converted into 3 per cent. stock. The terms of issue include an opinion to redeem at 102 on any interest date in or after October 1926. The question whether it will be desirable to exercise this option or to wait till October 1931 when the loan is redeemable at par depends upon money market considerations which cannot at present be forecasted.

OFFICERS OF THE AUXILIARY FORCE.

1895. ***Sardar V. N. Mutalik** : Will Government be pleased to state whether officers serving in the Auxiliary Force are to be considered as officers in His Majesty's Army serving on the effective List ? What difference is observed between these officers and the officers in the Regular Army ?

Mr. E. Burdon : Neither the term 'His Majesty's Army' nor the term 'effective list' is defined in the Army Act or in Regulations.

Neither term has any authorised significance ; and as I do not know what significance the Honourable Member attaches to them, I am unable to answer the first part of his question. As regards the second part of the question, an officer of the Auxiliary Force and an officer of the Regular Army differ widely in many respects, in the type of commission which they hold, in the authority which they exercise, in the responsibilities and duties which they discharge, in the remuneration which they receive etc., etc., but it would be impracticable to describe these differences in full within the limits of an answer to a question. If the Honourable Member will indicate clearly any particular point which he has in mind, I will endeavour to give him the information he requires.

OPINIONS OF LOCAL GOVERNMENTS AND PROVINCIAL LEGISLATURES ON THE RECOMMENDATIONS OF THE LEE COMMISSION.

†1896. ***Sardar V. N. Mutalik** : (*a*) Will Government be pleased to place on the table copies of the correspondence between the Central Government and the Local Governments on the recommendations of the Lee Commission, including the views of the Provincial Governments on the recommendations ?

(*b*) Will Government be pleased to state whether any instructions had been issued by the Government to Provincial Governments for obtaining the views of the Provincial Legislatures on the recommendations of the Lee Commission ?

(*c*) Will Government be pleased to place on the table the opinions of the Provincial Legislatures, if any of them have expressed any opinion ? And will Government be pleased to state whether all the Provincial Governments offered any opportunity to the Legislatures to express their views ?

THE O'DWYER-NAIR LIBEL SUIT.

1897. ***Sardar V. N. Mutalik** : Will Government be pleased to state :

(1) whether it is a fact that this Government instructed Sir Sankaran Nair to write the book, " Gandhi and Anarchy " and whether Government had seen the manuscript before its publication ?

(2) whether Government have spent any amount for its publication ?

(3) whether Sir Michael O'Dwyer consulted the Government or the Secretary of State before filing the suit against Sir Sankaran Nair ?

(4) whether there was any correspondence between this Government or the Secretary of State, on the one hand, and Sir Michael O'Dwyer or Sir Sankaran Nair on the other hand, with regard to the libel suit between the knights and if so, will Government be pleased to place the correspondence on the table ?

(5) whether any expenditure was incurred by this Government or the Secretary of State in connection with the suit, and, if any, for what party ?

The Honourable Sir Alexander Muddiman : Questions Nos. 1896 and 1897 have already been answered.‡

† For answer to this question—*see* below question No. 1897.

‡ *Vide* page 3022 and Appendix A to Legislative Assembly Debates, Vol. IV.

AMALGAMATION OF THE ORIYA-SPEAKING TRACTS.

1898. *Mr. Bhubanananda Das: (*a*) With reference to the reply of the Honourable Sir Malcolm Hailey to my starred question No. 137 of 5th February last, will Government be pleased to state when they intend to despatch these two Commissioners to the Ganjam District to hold their inquiry into the amalgamation of the Oriya-speaking tracts?

(*b*) In view of the possibility that the Commissioners may not have a knowledge of Oriya, do Government propose to ask the Bihar and Orissa Government to depute an Oriya-knowing officer to act as Secretary to this Commission?

The Honourable Sir Alexander Muddiman: (*a*) The Officers will be deputed to make the inquiry during the ensuing cold weather.

(*b*) One of the officers selected will be an officer who has worked in the Oriya-speaking tracts of the Madras Presidency and it will be unnecessary to appoint an Oriya-knowing officer from Bihar and Orissa as Secretary.

TERRITORIAL REDISTRIBUTION OF PROVINCES ON A LINGUISTIC BASIS.

1899. *Mr. Bhubanananda Das: (*a*) Will Government be pleased to state if the Reforms Inquiry Committee have gone into the question of territorial redistribution of provinces on a linguistic basis?

(*b*) If the reply be in the negative, do Government propose to request the Committee to investigate the same?

The Honourable Sir Alexander Muddiman: (*a*) Government have no information on the subject.

(*b*) A copy of the Honourable Member's question and my reply will be forwarded to the Committee for information.

APPOINTMENT OF ORIYAS AS JUDGES OF THE HIGH COURT AND EXECUTIVE COUNCILLORS IN THE PROVINCE OF BIHAR AND ORISSA.

1900. *Mr. Bhubanananda Das: Is it not a fact that in the Province of Bihar and Orissa since its separation, no Oriya has been made a Judge of the High Court, or an Executive Councillor?

The Honourable Sir A. P. Muddiman: I believe that the facts are as stated.

Mr. Bhubanananda Das: May I know if Government are aware of the fact that the Government of Bihar and Orissa, being situated as they are in Patna, take very little interest in the welfare of the people of Orissa, the Oriya people being in a minority in that province?

The Honourable Sir Alexander Muddiman: No, Sir, I am not aware of that fact.

TRANSFER OF THE CONTROL OF CURRENCY TO THE IMPERIAL BANK OF INDIA.

1901. *Mr. Bhubanananda Das: (*a*) What steps are Government taking to transfer the control of Currency to the Imperial Bank of India?

(*b*) Do Government contemplate close control on the management of the Imperial Bank as a State Bank so that there will be no undue profiteering?

The Honourable Sir Basil Blackett : (*a*) The Government regard this suggestion as premature for the moment.

(*b*) The Government have no reason for regarding as insufficient the amount of control allowed under the Imperial Bank of India Act, 1920.

INTRODUCTION OF RACE SPECIALS ON THE G. I. P. RAILWAY.

1902. ***Mr. Bhubanananda Das** : (*a*) Is it a fact that the G. I. P. Railway is running a third class race special between Bombay and Poona at a reduced fare which also includes the admission charges to the Poona race course ?

(*b*) Was the Railway Board consulted by this Railway before it introduced these third class race specials ?

(*c*) Were the Government of India consulted by the Railway Board before it sanctioned such race specials ?

(*d*) Are the race specials at concession rates meant to be a source of income to Railways ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) No.

(*c*) These specials were not sanctioned by the Railway Board, nor was such sanction necessary.

(*d*) Yes.

Mr. N. M. Joshi : May I ask if Government will inquire whether the Central Advisory Committee were consulted before introducing the running of these race specials ?

Mr. A. A. L. Parsons : No, it was not consulted.

Mr. N. M. Joshi : May I ask Government to consult the local Advisory Committee as to whether third class passengers were very anxious to have these third class race specials run for themselves ?

Mr. A. A. L. Parsons : My previous reply related to the Central Advisory Council, as it was this the Honourable Member mentioned. I am not prepared to suggest to the Agent that he should consult the local Advisory Committee, as he is able to discover for himself whether these specials are required or not.

Mr. N. M. Joshi : Will Government inquire and find out whether these specials trains pay their way ?

Mr. A. A. L. Parsons : I see no reason to make any such inquiry, as if they do not pay their way the Agent will certainly withdraw them.

Mr. N. M. Joshi : May I ask why the Railway Board exists here at all ?

Mr. A. A. L. Parsons : Partially perhaps to answer the Honourable Member's questions.

INTRODUCTION OF WEEK-END AND OTHER CONCESSIONS ON RAILWAYS.

1903. ***Mr. Bhubanananda Das** : (*a*) Will Government be pleased to inform the House whether week-end and other concessions prevalent before the war are now being introduced on all the railways ?

(*b*) Which of the railways have now introduced such concession rates ?

(*c*) Do the Railway Board propose to instruct other railways to expedite the introduction of such concessions ?

Mr. A. A. L. Parsons : (*a*) and (*b*). Certain concessions have been or are now being introduced on the Assam Bengal, Bengal Nagpur, Bombay, Baroda and Central India, Burma, Eastern Bengal, East Indian, Great Indian Peninsula, H. E. H. the Nizam's Guaranteed State, Jodhpur-Bikaner, Madras and Southern Mahratta, North-Western and Oudh and Rohilkhand Railways.

(*c*) This is a matter within the competence of Railway Administrations, and is receiving their consideration, as is shown by the reply to (*a*) and (*b*).

GRANT OF CONCESSION FARES ON RAILWAYS TO STUDENTS OF NATIONAL SCHOOLS AND COLLEGES.

1904. ***Mr. Bhubanananda Das :** (*a*) Is it a fact that students of National schools and colleges are not allowed to enjoy the benefit of travel at concession rates ?

(*b*) Is it a fact that the conference of Railway Agents and managers have decided not to allow boys of National schools and colleges such concessions ?

(*c*) Were Government a party to this action ?

(*d*) Are Government aware that there are numerous institutions in India known as National schools where education is imparted to Indian children and youths ?

(*e*) Will Government state their reasons why such scholars may not enjoy travel on Indian railways at concession fares ?

Mr. A. A. L. Pasons : (*a*) Concessions are allowed by railways to children attending primary and secondary schools (teaching up to the primary middle high school or entrance standards) recognised by the Educational Department and to students of colleges affiliated to a recognised university.

(*b*) Not so far as Government are aware.

(*c*) Does not arise.

(*d*) Yes.

(*e*) So far as Government are aware, they have not been approached by those responsible for the establishment of national schools in opposition to schools recognised by the Education Department for the grant of the concessions referred to.

Mr. Chaman Lall : Do I understand that such concessions will be granted if applications are made by National schools ?

Mr. A. A. L. Parsons : We have not considered the question.

Diwan Bahadur T. Rangachariar : Will Government consider the advisability of advising the railway authorities to grant concessions to all students of National schools, whether recognised or not ?

Mr. A. A. L. Parsons : We will certainly consider the matter if asked to do so by those responsible for the National schools.

Diwan Bahadur T. Rangachariar : When the authorities granted concessions to recognised schools, was it at their request that these concessions were granted ?

Mr. A. A. L. Parsons : I cannot say.

Mr. Bhubanananda Das : Are Government aware of the fact that the B. B. and C. I. Railway refused these concessions to students of National schools and it was on the ground that the rules, as sanctioned by the Railway Board, do not permit of such sanction ?

Mr. A. A. L. Parsons : I am not aware of it. It may be true.

Mr. Bhubanananda Das : I will send the Honourable Member a copy of the whole correspondence.

RELIEF OF DISTRESS CAUSED BY THE FLOODS IN SOUTH INDIA.

1905. ***Mr. Bhubanananda Das :** What steps have the Government of India taken so far to relieve the distress of the people of South India from the appalling causes of floods ?

Mr. J. W. Bhore : The measures necessary to relieve distress are primarily the concern of the Local Government. The Government of India have received a request for assistance from the Government of Madras and it is under consideration.

FLOODS IN SOUTH INDIA.

1906. ***Mr. Bhubanananda Das :** Do Government propose to give this House an opportunity to discuss the causes of the disastrous floods of South India and other recurring floods ?

Mr. J. W. Bhore : I regret that no special facilities for a discussion can be given. The Resolutions on the subject must, I fear, take their chance in the ballot.

Sir Purshotamdas Thakurdas : Can the Honourable Member tell the House the nature of the request from the Madras Government regarding help in this matter ?

Mr. J. W. Bhore : To the best of my recollection it was a request for a loan.

Mr. A. Rangaswami Iyengar : Will Government tell us of the measures they propose to take in this matter ?

Mr. J. W. Bhore : There are other questions later on which I propose to answer and I hope to be in a position to give the Honourable Member some more information on the point.

ABOLITION OF TOLL ON THE B. N. W. RAILWAY BRIDGE BETWEEN HAJIPORE AND SONEPUR.

1907. ***Mr. Gaya Prasad Singh :** With reference to my starred question No. 1116 of the 30th May 1924, regarding the toll of one anna per trip on the B. N. W. Railway bridge over the Gunduk between Hajipore and Sonepur, will the Government be pleased to give information on the following points :

(*a*) Is there any other railway bridge in India on which a toll of one anna or more per trip is levied ; and if so, what is it ?

(*b*) What is the total cost of the construction of the bridge and of the foot-path ; and in what years were they respectively opened for traffic ?

(*c*) What is the total amount recovered by the settlement of the toll since it was levied ?

(*d*) Is it a fact that the B. N. W. Railway Company is trying to make another settlement of the tolls for three years on the 1st October next, after the expiry of the existing lease in December 1924 ?

(*e*) When do the Government expect to make an announcement regarding the proposal to make the bridge free ?

Mr. A. A. L. Parsons : (*a*) No.

(*b*) The original cost of the construction of the bridge over the Gundak river including the footway was Rs. 13,84,883. The estimated cost of the footway is Rs. 2,10,000. The bridge with the footway was opened for traffic in 1887.

(*c*) The estimated gross receipts from 1891 to 1924 (both years inclusive) are Rs. 3,81,667-8-0. The receipts prior to 1891 are not known.

(*d*) The Company have the matter under consideration pending the settlement of the question of the abolition of tolls on this bridge.

(*e*) As stated against (*d*) the question is still under consideration.

BRIDGE OVER THE GANGES AT BENARES.

1908. ***Mr. Gaya Prasad Singh** : Is it a fact that the railway bridge over the Ganges at Benares has been made free ; and if so, since when ? Who bears the charges of repair of the footpath on the Benares bridge ; and what is the annual cost of repairs on the average ?

Mr. A. A. L. Parsons : Yes, since 1907. The cost of repairing the footpath is borne by the Oudh and Rohilkhand Railway, the annual average for the whole roadway including the footpath being Rs. 1,783.

CONSTRUCTION OF RAILWAY FROM RISHIKESH TO LAKSHMAN JHULA.

1909. ***Mr. Gaya Prasad Singh** : (*a*) Will the Government be pleased to state when the work of constructing a Railway line from Rishikesh Road (O. and R. Railway) to Rishikesh is to be taken in hand ; and in what time is it expected to be completed ?

(*b*) Are Government aware that Lakshman Jhula on the Ganges is only 3 miles from Rishikesh, and that it is a place of religious importance on the pilgrim route to Badri Nath ?

(*c*) Do the Government propose to consider the question of extending the construction of the railway line from Rishikesh to Lakshman Jhula ?

Mr. A. A. L. Parsons : (*a*) The Secretary of State has sanctioned the Rikhikesh Road-Rikhikesh Railway project and the sanction has been notified in the Gazette of India, dated the 2nd August 1924. It is hoped the work will be taken in hand shortly. The line will take 2½ to 3 years to construct.

(*b*) The reply is in the affirmative.

(*c*) A proposal was considered to construct a line from Rikhikesh to Karanprayag *via* Lakshman Jhula but was found unremunerative.

ASSAULT BY SOLDIERS ON MR. SIDHVA AT KARACHI.

1910. *Mr. Gaya Prasad Singh : (*a*) With reference to my starred question No. 1282 of the 5th June 1924, regarding the assault on Mr. Sidhva at Karachi by a few soldiers, will the Government be pleased to give information on the following points :

(*i*) Whether the prosecution of the accused was sanctioned by H. E. the Commander-in-Chief ?

(*ii*) Whether a number of witnesses, including four soldiers, gave testimony against the accused ?

(*iii*) Whether the accused confessed his guilt ?

(*iv*) What were the grounds on which the accused was acquitted in the court-martial trial ?

(*b*) Will the Government be pleased to lay copy of the Court's judgment on the table ?

(*c*) Will the Government kindly state if any Departmental action is contemplated against the accused ? And if not, why not ?

Mr. E. Burdon : (*a*) (*i*) The Court Martial was assembled under the orders of the Air Officer Commanding, Royal Air Force in India. The orders of His Excellency the Commander-in-Chief were not required.

(*ii*) No. Of the seven witnesses examined by the prosecution, only one implicated the accused.

(*iii*) No.

(*iv*) The Government of India do not know. A Court Martial only records a finding and does not write a judgment.

(*b*) As already stated, a Court Martial does not record a judgment.

(*c*) Since the accused airman was acquitted of the offence with which he was charged, no departmental action can be taken against him.

AMENDMENT OF RULES RELATING TO SUPPLEMENTARY GRANTS.

1911. * **Mr. Gaya Prasad Singh** : (*a*) Will the Government be pleased to state the reasons which led them to obtain sanction of the Secretary of State for India in Council to amend Rule 50 of the Legislative Assembly Rules in respect of supplementary demands ?

(*b*) Are Government prepared to lay on the table the whole correspondence on the subject, which may have passed between the Government and the Secretary of State in Council ?

(*c*) Were any Law Officers of the Crown, either in India or in England, consulted, before the Rule was amended ? And if so, will the Government lay their opinion on the table ?

The Honourable Sir Alexander Muddiman : I have already answered that.

ADMISSION OF INDIANS INTO VARIOUS BRANCHES OF THE INDIAN ARMY.

1912. *Mr. Gaya Prasad Singh : (*a*) Is it a fact that in the Army Indians are not admitted into the Tank Corps and Armoured Car Companies, or as gunners in the Royal Horse Artillery, or Field Artillery, or in the Medium Artillery, or in the Air Force ?

(*b*) Is it a fact that in the Ancillary Services, such as Supply and Transport, Medical, Veterinary, Ordnance and Clothing, Remounts, Military Training and Educational, Indians are not eligible for any King's Commissions ?

(*c*) If the answer to the above be in the affirmative, will the Government be pleased to state the reasons of exclusion ; and also lay on the table the Rules, if any, on the subject ?

Mr. E. Burdon : (*a*) Indians are not admitted to the Tank Corps, Armoured Car Companies or to the Air Force, except as followers and artificers, etc., nor are they employed as gunners in the Royal Horse Artillery, the Royal Field Artillery or in the Medium Artillery.

(*b*) No. I invite the attention of the Honourable Member to item 2 of the statement laid on the table on the 2nd July 1923 in reply to Sir Sivaswamy Aiyer's question No. 55.

(*c*) The attention of the Honourable Member is invited to the statements which I have already made in the Assembly on this subject, one on the 4th July 1923, in reply to a Resolution moved by Sir Sivaswamy Aiyer, and the other on the 14th March last in connection with a motion moved by Diwan Bahadur Ramachandra Rao during the budget discussions. He will find in these a full answer to his question. There are no rules on the subject.

Mr. Chaman Lall : May I ask the Honourable Member whether he is aware that there is a Statute of 1833 which lays down that there should be no distinction between Indians and others in the matter of employment in the British Empire ?

Mr. E. Burdon : I am aware of the existence of the Statute.

Mr. Chaman Lall : Are you carrying out the directions of that Statute ?

Mr. E. Burdon : I should like to have notice of that question.

State Prisoners in Bengal.

1913. ***Mr. Gaya Prasad Singh** : (*a*) With reference to my starred question No. 762 of the 13th March 1924, regarding the State Prisoners in Bengal, has the attention of the Government been drawn to the following remarks of H. E. the Governor of Bengal, in course of his address at Chinsurah on the 30th June 1924 :

> " The evidence on which our conclusion is based has been carefully examined by myself in the first instance, by two senior Judges in the second place, and finally by the Viceroy personally."

(*b*) Are Government aware that in the speech of H. E. the Viceroy on the occasion of opening the Indian Legislature on the 31st January 1924, there is no mention of the fact that the evidence against the State prisoners was at all examined by H. E. the Governor of Bengal, as will be seen from the following passage :

> " After the arrests in Bengal were made as you are aware, all the documents and evidence, relating to each individual, have been placed before two Judges."

(*c*) Will the Government kindly state if the conclusions of the three sets of authorities referred to above, have so exactly coincided that not a single State prisoner has been found to be innocent, and released ?

(*d*) If there have been any variations in the conclusions, will the Government be pleased to state the same ?

(*e*) How many State prisoners are there now in Bengal, and have any one been released ? If so, how many ?

The Honourable Sir Alexander Muddiman : (*a*) and (*b*). The answer is in the affirmative.

(*c*) and (*d*). On the report of the Judges in one case, supported by the recommendation of the Government of Bengal, the Government of India ordered the release of the prisoner.

(*e*) Twenty-seven.

OPENING OF THE RAILWAY FROM ITARSI TO NAGPUR.

1914. ***Dr. H. S. Gour :** (*a*) Will the Government be pleased to state when the laying of rails on the Itarsi-Nagpur Railway was completed ?

(*b*) Are they aware of the statement made at the shareholders' meeting of the G. I. P. Railway in London some months back that the Chairman of the Board of Directors hoped to see the line opened to traffic any day ?

(*c*) If so, why has not the line been opened to traffic yet ?

(*d*) Will the Government be pleased to state when the new station at Nagpur is likely to be opened ?

Mr. A. A. L. Parsons : (*a*) The laying of rails was completed on 20th June 1924.

(*b*) Yes.

(*c*) The line will be opened to traffic after it has been inspected and passed by the Senior Government Inspector. The inspection was to commence from the 2nd September 1924.

(*d*) It is not possible as yet to fix a date when the new station will be opened to traffic as the work is still in hand.

SELECTION GRADE POSTS IN THE CLERICAL LINE OF THE BIHAR AND ORISSA POSTAL CIRCLE.

1915. ***Khan Bahadur Sarfaraz Hussain Khan :** Will the Government be pleased to state :

(*a*) the number of posts of selection grade in the clerical line of the Post Office of Rs. 145 to 170 existing in the province of Bihar and Orissa ?

(*b*) if the number of such posts is less in Bihar and Orissa than in other provinces ?

Mr. H. A. Sams : (*a*) There are 36 appointments in the selection grade of Rs. 145—170 in the Bihar and Orissa Postal Circle.

(*b*) The number of such appointments is smaller in the Bihar and Orissa Circle than in other Circles except Sind and Baluchistan.

Khan Bahadur Sarfaraz Hussain Khan : May I know why it is ?

Mr. H. A. Sams : Because there are fewer appointments in Bihar and Orissa important enough to be made selection grade appointments.

INDIAN CIVIL SERVICE CANDIDATES.

1916. *Mr. D. V. Belvi : Will Government be pleased to state :

(*a*) the total number of candidates selected for the Indian Civil Service in each of the last 30 years ;

(*b*) the total number of Indians selected in each of the last 30 years ;

(*c*) the age limit for admission to the competitive examination for the Indian Civil Service in each quinquennium of the last 30 years ;

(*d*) the age limit in the years 1924 and 1925 ?

The Honourable Sir Alexander Muddiman : I lay on the table a statement giving the information required.

Statement showing the total number of candidates and the number of Indians selected for the Indian Civil Service in each of the last thirty years.

Year.	Total number of selected candidates.	Numbers of Indians.	Year.	Total number of selected candidates.	Number of Indians.
1894 ..	60	6	1909	52	1
1895 ..	66	1	1910	60	1
1896 ..	58	3	1911	53	3
1897 ..	62	3	1912	47	7
1898 ..	64	7	1913	44	2
1899 ..	53	3	1914	53	7
1900 ..	52	2	1915	14	3
1901 ..	43	2	1916	9	5
1902 ..	55	3	1917	6	4
1903 ..	51	3	1918	9	9
1904 ..	52	3	1919	101	39
1905 ..	48	4	1920	50	6
1906 ..	60	3	1921	55	25
1907 ..	57	4	1922	33	24
1908 ..	50	3	1923	36	15

Statement showing the age limits for entry into the Indian Civil Service during the last thirty years.

1894 to 1905	above 21 and below 23 years.
1906 to 1921	above 22 and below 24 years.
1922 to 1923	above 21 and below 24 years. (*c*).
1924	above 21 and below 24 years. (*c*).
1925	above 21 and below 23 years. (*d*).

(*c*) The limits of 21-23 applied to the Indian examination, the first of which was held in 1922, but 24 was retained temporarily as the higher limit for the London examination for special reasons.

(*d*) This is subject to any orders that may be passed on para. 104 (*a*) of the Lee Commission's report, in so far as the London examination is concerned. For the Indian examination it has been decided that these limits will apply in 1925.

TRANSFER OF OFFICERS TO THE KULACHI TAHSIL.

†1917. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : Will the Government be pleased to state how many officers were transferred to Kulachi tahsil within the past ten years ; and what was their character roll before their transfer ?

TRANSFER OF MOHAMAD AKRAM KHAN, NAIB TAHSILDAR, FROM TERI TAHSIL TO KULACHI.

†1918. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : Will the Government kindly give reasons why Mohamad Akram Khan, Naib Tahsildar, was transferred from Teri tahsil to Kulachi ? Was this transfer not due to the quarrel which took place between him and his superiors ?

SUPPLY OF FOOD TO OFFICIALS ON TOUR, ETC.

†1919. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : (*a*) Will the Government be pleased to state whether it is a fact that Sir John Maffey held a conference in which all Deputy Commissioners, Superintendents of Police and a few influential Indian gentlemen were invited and various topics were discussed there ?

(*b*) Is it a fact that after long deliberation with the officials invited therein, he issued orders that no officials in future should take food from the zamindars and the officials on tour should pay for all articles purchased from their own pockets ?

(*c*) Is it a fact that Sir John Maffey did issue a D. O. to all Deputy Commissioners that in future no cases should be referred to Jirga except cases of dacoities and murders ?

(*d*) Will the Government be pleased to state whether any practical effect has been given to these instructions ; or have they been treated as dead letters ?

APPOINTMENT OF IRRIGATION COMMITTEE IN EACH TAHSIL OF THE N. W. F. PROVINCE, ETC.

†1920. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : Is it a fact that Sir John Maffey before he left held an open darbar in which local important matters were discussed ; specially the questions of appointing irrigation committees in each tahsil and issuing *parcha* to the Zamindars at the time of *girdawari* were approved ? Have these orders been given effect to, if not, why ?

COMPLAINT OF SARDAR MOHAMMAD ATAL KHAN OF GANDAPUR AGAINST A PATWARI.

†1921. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : Will the Government be pleased to state whether it is a fact that Sardar Mohammad Atal Khan of Gandapur filed a complaint against a patwari for not giving him *parcha girdawari* ? What was the nature of complaints, the answer of the patwari, and the remarks of the revenue officers against Abdul Hamid Khan Mukhtiar-i-Am of Mohd. Atal Khan, and what was the result of the case ?

† For answer to this question—*see* below question No. 1925.

DECREASE OF REVENUE IN THE KULACHI, TONK AND DERA ISMAIL KHAN TAHSILS.

†1922. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : Will the Government be pleased to lay on the table a comparative statement of the annual income from revenue of Kulachi, Tonk and Dera Ismail Khan tahsils for the last ten years giving reasons for the decrease in the revenue and stating whether the Government have taken any measures to improve the condition ?

TAXATION OF THE GANDAPURI LANDS.

†1923. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : Will the Government be pleased to state why the Gandapuri lands have been taxed higher than the Dera Ismail Khan tahsil lands, by the last settlement, when they are irrigated by the same canal ?

IRRIGATION OF LANDS IN THE GANDAPURI TRACT AND THE DERA ISMAIL KHAN TAHSIL.

†1924. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : Will the Government be pleased to state how many villages and with what area of the Gandapuri tract and Dera Ismail Khan tahsil are entitled to be irrigated by the Luni and Goomal canals and out of such area how many acres of each village were actually irrigated by these canals yearly in the Gandapuri tract and Dera Ismail Khan, respectively ?

COMPLAINT OF ABDULLA KHAN REGARDING THE ERECTION OF AN ILLEGAL DAM IN THE GOOMAL CANAL.

1925. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : Will the Government be pleased to state what was and what became of the application, sent under registered cover on 18th August 1923, by one Abdulla Khan, son of Faujdar Khan Barakhel Gandapur of Kulachi, complaining against the erection of an illegal dam in the Goomal canal for Barani tract in Muhabat village ; while the rod Kohi tract was irrigated ? What steps were taken by the irrigation department to remedy the evil which was a source of loss in revenue to the Government and to the land owners of those tracts which have the right to be irrigated by the Goomal canal ? What was the report of N. T. irrigation in this case and what action did the Revenue Assistant take on the report of the Naib Tahsildar irrigation ?

The Honourable Sir Alexander Muddiman : Inquiry is being made from the Local Administration and the information will be supplied to the Honourable Member in due course.

ALLEGED IRREGULARITIES OF THE POLICE IN A CASE IN MUHABAT VILLAGE.

1926. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : Is it a fact that during investigation by Malik Muzaffar Khan, D. S. Police, in a case in Muhabat village some irregularities of a very serious nature were reported by the D. S. P. ? What is the report of the Deputy Superintendent, Police, and what action, if any, has been taken ?

† For answer to this question—*see* below question No. 1925.

The Honourable Sir Alexander Muddiman : An inquiry has been made from the Chief Commissioner, North-West Frontier Province, and a reply will be sent to the Honourable Member at a later date.

RECOMMENDATIONS OF THE FRONTIER INQUIRY COMMITTEE.

†1927. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : Will the Government be pleased to state whether any immediate practical effect has been given to any recommendations of the minority or majority report by the Frontier Inquiry Committee, whichever the Government think workable in the N. W. F. Province ?

POSSESSION WITHOUT LICENSES OF FIRE-ARMS BY BORDER VILLAGERS.

†1928. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : Is it a fact that in spite of the majority report of the Frontier Inquiry Committee that villages close to the border should be entitled to keep rifles without licenses, still they have to apply for licenses ?

CONDEMNATION BY THE FRONTIER INQUIRY COMMITTEE OF POLITICAL LOCK-UP.

†1929. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : Is it a fact that the majority report of the Frontier Inquiry Committee has condemned the institution of the political lock-up ; but still people are sent to and kept in political lock-up ? If so, do the Government contemplate to put an end to such a system ?

KETCH DACOITY CASE.

†1930. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : Is it a fact that in case of the Ketch (N. W. F. Province) dacoity case the suspected culprits were let off on bail but the friends of those culprits were sent to the political lock-up on the plea that if their friends are not sent to the political lock-up the crime can not be proved ; and that their friends were not let off on bail until the accused were let off, after a full month ?

THE KHANOO KHEL DACOITY CASE.

†1931. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : Will the Government be pleased to state what are the remarks of the trying Magistrate in the Khanoo Khel (N. W. F. Province) dacoity case, and at what stage of the case the file concerning it was taken from him and why ?

EXEMPTION OF THE KULACHI AND DERA TAHSILS FROM THE OPERATION OF THE FRONTIER CRIMES REGULATION.

†1932. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : Will the Government be pleased to state whether it is a fact that the D. I. Khan district especially Kulachi and Dera Tahsils from the point of view of crimes committed by local bad characters is far better than any other district in the province ? If it is so, are the Government prepared to consider the question of exempting this district from the rigours of the Frontier Crimes Regulation and especially of Jirga ?

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† For answer to this question, *see* answer below question No. 1925.

GUARDING OF ROADS IN THE KULACHI TAHSIL.

†1933. *Khan Bahadur Makhdum Syed Rajan Baksh Shah : (*a*) Is it a fact that in Kulachi tahsil of the D. I. Khan district when any officer comes on a tour riflemen from the town of Kulachi and neighbouring villages are sent by the tahsil authorities to guard the road ?

(*b*) Is it a fact these riflemen are not paid ?

(*c*) If so, do the Government propose to pass orders either to pay for such services or not to have recourse to such measures ?

PROVISION BY THE INHABITANTS OF KULACHI OF ARMED ESCORTS FOR OFFICERS ON TOUR.

†1934. *Khan Bahadur Makhdum Syed Rajan Baksh Shah : Is it a fact that the tahsil authorities in the Kulachi town require the inhabitants to provide officers on tour with an armed escort of horsemen ; and that in case of delay in complying with their order drastic measures are taken against them ? If so, do the Government intend to take steps to put a stop to this ?

LIBELLOUS LETTER REGARDING THE SUB-ASSISTANT SURGEON OF KULACHI.

†1935. *Khan Bahadur Makhdum Syed Rajan Baksh Shah : (*a*) Will the Government be pleased to state whether it is a fact that someone had sent a letter to the Deputy Commissioner of D. I. Khan against the character of the Sub-Assistant Surgeon posted at Kulachi town in which forged names were given ?

(*b*) Is it a fact that the handwriting of some persons was taken and sent to the expert ? If so, what was the opinion of the expert, and what action has been taken in the matter ?

ANONYMOUS COMPLAINT AGAINST KHAN SAHIB SARDAR ASAD ULLAH KHAN.

‡1936. *Khan Bahadur Makhdum Syed Rajan Baksh Shah : Is it a fact that someone had sent an anonymous complaint to the Superintendent of Police against K. S. Sardar Asad Ullah Khan, son of the late K. B. Nawab Mohammad Afzal Khan, retired Deputy Commissioner, and on it the police took the statements of a few persons concerned and that when the matter was proved false, the said Sardar gave some papers in the handwriting of a suspected person to the Sub-Inspector and D. S. P. ?

KIDNAPPING OF ISA KHAN RANA KHEL OF MADI VILLAGE AND SOME OTHER PERSONS AT GANDI JEE SAHIB.

†1937. *Khan Bahadur Makhdum Syed Rajan Baksh Shah : Is it a fact that last year one Isa Khan Rana Khel of Madi village (N. W. F. P.) and some other men were kidnapped on the road at Gandi jee Sahib ? What was the initial report and how many changes with what calumnies took place in the statement of Isa Khan Rana Khel before the police ; and what was the statement before the police of K. S. Dildar Khan and his brother Isa Khan ? When K. S. Sardar Asad Ullah Khan applied for the attested copies of the statements before the police in order to bring a case against them, why was he refused the required copies even on payment ?

† For answer to this question, *see* answer below question No. 1925.
‡ For answer to this question, *see* answer to question No. 1926.

FINES INFLICTED ON LABOURERS EMPLOYED ON THE CONSTRUCTION OF THE LUNI CANAL IN THE GANDAPURI TRACT.

†1938. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : Is it a fact that some years back by the order of Deputy Commissioner of D. I. Khan a canal was being dug in village Luni in the Gandapuri tract, and neighbouring villagers were forced to work on it for eight annas a day and that those who did not come to work on it were fined ? Is it a fact that the Government gave Rs. 800 to the agriculturists ; while they were fined to the extent of Rs. 2,400 ? If so, will the Government please quote authority for inflicting such fines ?

IRRIGATION FROM THE LUNI, NALA NASKORE AND GOMMAL CANAL.

†1939. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : Is it a fact that the land-owners while providing labour on repair works and dams in river Luni, Nala Naskore and Gommal canal are not given water to irrigate their plots entitled to be irrigated by these canals, and the Kohi lands are cultivated on rain water only ? If so, will the Government please say on what grounds water rates are charged to them ?

MISUSE OF MALBA MONEY IN THE GANDAPUR TRACT.

†1940. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : Is it a fact that the Malba money in the Gandapur tract is misused and solely spent on items other than the legitimate one ? If so, will the Government please say what are those illegitimate items on which this money is spent ?

CONTROL FOR ROADS IN THE NORTH WEST FRONTIER PROVINCE.

†1941. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : Is it a fact that the Honourable the Chief Commissioner of the N. W. F. Province issued a demi-official letter to the effect that the contract of roads should be given to those tribes through whose tracts the roads pass and in consequence Abas Ullah Khan Gandapur has been given contract for the Hathala Kulachi road ? If so, will the Government please say how much landed property Abas Ullah Khan Gandapur has ; and on what grounds he is recommended for the contract, what is his financial position, and when was he given a contract of a few miles on the Gazni Khel Darban roads, what remarks were passed against him by the officers in charge of that road ?

FACTIONS AMONG THE GANDAPUR TRIBE.

†1942. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : Will the Government please say whether there are any factions among the Gandapur tribe, if so how many breaches of law by one faction are made against the other ?

YEARLY LAND REVENUE OF MADI VILLAGE FOR THE LAST SIX YEARS.

†1943. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : What is the yearly land revenue for the last six years of Madi village (N. W. F. P.) and what is the yearly fine on construction of Madi Dam for the last six years ?

† For answer to this question, *see* answer below question No. 1925.

PROTESTS AGAINST THE LEVY OF FINES ON THE LANDOWNERS OF THE GANDAPURI TRACT.

†1944. *Khan Bahadur Makhdum Syed Rajan Baksh Shah : Is it a fact that strong protests in writing of the landowners of the Gandapuri tract against the alleged illegal imposition of nagha (fine) have been made but no heed has ever been paid to them ?

PROVISION OF WATER FROM THE LUNI RIVER FOR LANDOWNERS BY KHAN SAHIB SARDAR ASAD ULLAH KHAN IN MADI VILLAGE.

†1945. *Khan Bahadur Makhdum Syed Rajan Baksh Shah : Is it a fact that the kind of land owned by K. S. Sardar Asad Ullah Khan in Madi village is rod Kohi ; but he is not given water and in spite of his repeated protests no heed is being paid ; though in the settlement papers he is entitled to get water from the Luni river ?

CASUALTIES AMONG VILLAGERS IN THE GANDAPURI TRACT OWING TO MAHSUD RAIDS.

†1946. *Khan Bahadur Makhdum Syed Rajan Baksh Shah : Will the Government be pleased to state how many men in the Gandapuri tract have been killed up to this time, fighting with the Mahsud marauders since 1906 ?

DISTRIBUTION OF GOVERNMENT ADVERTISEMENTS TO NEWSPAPERS.

1947. *Khan Bahadur Makhdum Syed Rajan Baksh Shah : Will the Government please state :

(*a*) How many Indian newspapers are on the list of newspapers and periodicals to which Government notices and advertisements are sent, and how many of them are Muslim newspapers ?

(*b*) Whether " The Muslim Outlook, Lahore." is one of them ; if not, will the Government please state the reasons why its name has been excluded from the list ?

The Honourable Sir Alexander Muddiman : In the distribution of advertisements Government take into account the attitude and circulation of newspapers and their value as advertising media. I am unable to give any further information in the matter.

Diwan Bahadur T. Rangachariar : Will the Government take the counsel of the Publicity Board in this connection ?

The Honourable Sir Alexander Muddiman : I think they do, Sir.

Diwan Bahadur T. Rangachariar : I am afraid not.

The Honourable Sir Alexander Muddiman : Then the Honourable Member knows.

MUHAMMADANS IN THE IMPERIAL AND PROVINCIAL SERVICE OF THE POSTAL DEPARTMENT.

1948. *Khan Bahadur Makhdum Syed Rajan Baksh Shah : Will the Government please give the number of persons employed separately in the Imperial and Provincial services of the Postal Department ? How many of them are Indians and out of them how many are Muhammadans ?

† For answer to this question, *see* answer below question No. 1925.

Mr. H. A. Sams: There is no distinction in the Postal Department between Imperial and Provincial. The total personnel of the Post and Telegraph Department is over 1,20,000 of which the greater part pertains to the P. O.

The answer to the second part of the Honourable Member's question would entail an amount of labour which would be disproportionate to the value of the information required.

PILGRIMS TO THE HEDJAZ IN 1880, 1900 AND 1923, RESPECTIVELY.

1949. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah**: Will the Government please state how many Hedjaz pilgrims left India for Arabia during 1880, and what this number was during 1900 and 1923 respectively?

Mr. J. W. Bhore: No information is available regarding the number of Hedjaz pilgrims who left India in 1880. The figures for 1900 and 1923 are 2,268 and 24,459, respectively.

IMPORT OF LIQUOR INTO INDIA.

1950. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah**: Will the Government please state how many gallons of liquor were imported into India during 1869-70, 1899-1900 and 1922-23, respectively?

The Honourable Sir Charles Innes: The imports of liquors into India during the years to which the Honourable Member refers were 3,108,081, 4,777,147 and 4,603,553 gallons, respectively.

EXPENDITURE ON ERECTION, MAINTENANCE AND REPAIRS OF MOSQUES, TEMPLES AND CHURCHES.

1951. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah**: Will the Government please give the total expenditure incurred from Imperial Revenue on erections or repairs and maintenance of mosques, temples and churches throughout India during the year 1922-23?

The Honourable Mr. A. C. Chatterjee: The amount spent by Government on the erection and maintenance of Christian churches is not shown separately in the accounts, and the labour in obtaining it would be incommensurate with its value, but I may say that the amount spent in 1922-23 was roughly between three and four lakhs of rupees.

No money is expended from Central Revenues on temples and mosques beyond what is required to conserve those that have been declared to be protected monuments, and are in the charge of the Archæological Department. The expenditure on conservation operations cannot be stated with exactness because it is not always recorded separately for each building or each class of building. An idea, however, of what is being done in this direction can be gathered from Appendix A to the Annual Report of the Archæological Survey for 1922-23, a proof copy of which I shall be happy to show to the Honourable Member.

Mr. M. A. Jinnah: May I know what is the principle on which money is spent for repairs to churches and not to temples and mosques in this country?

The Honourable Mr. A. C. Chatterjee: I should like notice of that question.

REVENUE FROM INCOME-TAX IN 1922-23.

1952. *Khan Bahadur Makhdum Syed Rajan Baksh Shah : Will the Government please state what was the total income from income-tax throughout India during 1922-23, and how much of it was realized from non-Indians ?

The Honourable Sir Basil Blackett : For the answer to the first part of his question, the Honourable Member is referred to Account No. 15 of the Finance and Revenue Accounts, 1922-23, copies of which he will find in the Library. There are no statistics showing the tax paid by Indians and that paid by non-Indians separately nor would it be practicable to compile such statistics.

TOTAL POPULATION OF PROVINCES FOR CERTAIN CLASSES.

1953. *Khan Bahadur Makhdum Syed Rajan Baksh Shah : Will the Government please say what is the total population in each province of India for the following classes :

Hindus.
Mohammadans.
Jains.
Sikhs.
Others.
Europeans and Anglo-Indians.
Native Christians.
Jews.
Parsis.
Other foreign nations.

The Honourable Sir Alexandar Muddiman : The Honourable Member is referred to Tables VI and XV on pages 40-44 and 184 of Part II of Volume I of the Census Report of India, 1921.

RATES OF PAY OF INDIAN AND BRITISH SOLDIERS.

1954. *Khan Bahadur Makhdum Syed Rajan Baksh Shah : Will the Government please throw light as to why the question of payment of emoluments to the Indian and English forces in India is treated on an unequal footing ?

Mr. E. Burdon : Since British and Indian officers of equal status receive equal pay, I presume the Honourable Member is referring to the rates of pay of the British and Indian private soldier. If that is so, the answer is that the British soldier, who belongs to the British Army continues to receive, when serving in India, British Army rates of pay. He does not receive anything more but he obviously cannot be given anything less. Indian soldiers receive lower rates of pay than British soldiers merely because such rates ultimately rest on the difference between the market rates for labour in the two countries.

FIRE ON THE PILGRIM STEAMER THE " FRANGESTAN ".

1955. *Khan Bahadur Makhdum Syed Rajan Baksh Shah : Are the Government aware that during May last, an Hedjaz pilgrim ship the

Frangestan caught fire near Port Sudan. If so, will the Government please say whether it intends to satisfy the public with the cause and consequences of the accident after making thorough inquiries ?

Mr. J. W. Bhore : The Government of India are aware of the outbreak of fire on " The Frangestan." A copy of the report of the Court of Inquiry appointed by the Government of Bombay to inquire into the incident is placed on the table. No further inquiry is contemplated.

Chief Presidency Magistrate's Court, Bombay, 10th May 1924.

Pursuant to Government Resolution, Marine Department, No. 789, dated the 2nd May 1924, appointing Frank Oliveira, Esq., Acting Chief Presidency Magistrate, Bombay, Captain Claude Albert Oakshott, M.B.E., Master, s.s. ' Pasha ' and Captain Frederick Sudell, R.D., Commander R.N.R. (Retired), F.R.G.S., Master, s.s. ' Kidderpore ' to conduct an inquiry into the circumstances in which the s.s. ' Frangestan ' caught fire was abandoned and was subsequently sunk by gunfire in the Red Sea, the Court assembled on May the 7th and 8th, 1924, for the purpose stated.

2. The evidence shows that the s.s. ' Frangestan ', a British Steamship, official No. 144619, built at Jarrew by Palmers Shipbuilding and Iron Company, Ltd., was of 8227-69 gross tonnage and 5256.98 registered tonnage. The engines were triple expansion direct acting condensing engines driving a singlescrew. The certificate shows that she was registered at Hong Kong as the s.s. ' Bosnia ' on the 18th July 1922, this name being subsequently changed to ' Frangestan ' on the 21st February 1923. The vessel had three steel decks, namely, the upper deck, the shelter deck and the tween deck and she was built of mild steel throughout. Electric light was fitted throughout the ship including the tween deck but excluding the lower holds. She carried the following fire appliances :

(1) Four mechanical pumps worked by steam from two double ended and two single ended boilers and capable of pumping 15, 20, 30 and 40 tons of water, respectively, per hour. They were provided with sufficient lines of hose.

(2) Nine steam injectors for injecting steam into the holds and for refrigerating purposes. She had 20 cylinders of carbonic acid gas on board. The vessel was rated A 1 at Lloyds.

3. After receiving the usual Survey Report (Part of Ex. B) that the holds were clean swept and dry and the vessel ready to receive cargo, the ' Frangestan ' began receiving cargo at Karachi on the 5th March 1924. Before receiving cargo the electric lights and fuses were removed from the tween decks and the switch in the engine-room cut out. The dead wires were allowed to remain. As the fire originated in No. 2 hold it is necessary for us to deal with the cargo stowed in this hold which is stated to have been capable of carrying 2,800 tons.

4. The cargo plan has unfortunately been lost with the ship and from the facts relating to the quantity and description of the cargo stowed in No. 2 hold and the manner in which it was stowed we have had to rely on the evidence of the witnesses, which is most unsatisfactory and contradictory on these points. At Karachi the ' Frangestan ' took the following cargo in No. 2 hold : 350 tons of manganese ore also a quantity of bauxite and chromite. Bales of cotton quantity not known. Bags of linseed quantity not known and bags of rapeseed quantity not known. The manganese ore was located first at the bottom of the hold levelled off and covered with dunnage planks to form a platform on which the cotton bales were then stowed. The rapeseed and linseed bags were then stowed on top of the cotton, odd bags of rapeseed and probably linseed being used to fill up broken stowage. The Chief Officer is unable to say whether linseed bags were used for this purpose but it seems probable that this was done. After receiving Survey Report (part of Ex. B) that the stowage was good and in order the ' Frangestan ' came on to Bombay where she loaded the following cargo into No. 2 hold : 3,945 bales of cotton, 4,048 bags of linseed and 993 bags of castor seed. These bales were loaded and overstowed with bags of seed and some of the bags were used for broken stowage, no regard being paid to conditions, which, by the nature of the cargo loaded, might lead to fire by spontaneous combustion.

5. The usual Survey Reports (Ex. C.) that the stowage was good and in order being received, the s.s. ' Frangestan ' left Bombay on 23rd March 1924 for Barcelona, *via* Kamaran, Jeddah, Port Sudan, Canal Ports and Genoa, under the command of

Captain William Reynolds. The crew consisted of 139 including the Master, 3 deck officers, 5 engineers and 3 wireless operators. She also carried 1,221 Asiatic pilgrims and 15 European passengers. Before leaving, the hatches were battened down and secured with tarpaulins and locking bars. The ship reached Kamaran at 7 A.M. on the 31st March and sailed for Jeddah at 11 A.M. on the 1st April 1924. During her stay in Kamaran the hatches of the holds were in no way interfered with, but the pilgrims were disembarked and their quarters and effects disinfected before re-embarkation. It might here be mentioned that the Captain has stated in his evidence that he had considerable apprehension of fire in the cargo he was carrying and although his fears were allayed by the fact that the Surveyors who were local experts in the stowage of cargo, had reported all correct, he took additional precautions by (*a*) directing his officers to make a complete inspection of the ship before coming off watch, (*b*) holding extra fire and boat drills, and (*c*) having the pumps and injectors overhauled. All these instructions appear to have been carried out.

6. On the morning of the 2nd April at 3-50 the Second Officer who had the middle watch, was relieved by the Chief Officer and in pursuance of the Master's instructions the Second Officer went round the ship on inspection. He returned to the Bridge at about 4-10 A.M. and reported all correct. The Second Officer states he walked past the ventilator through which the fire appeared later and although he was in bare feet he did not feel or notice anything. At 4-15 A.M. the Chief Officer noticed sparks emerging from the aft ventilator of No. 2 tween deck on the port side and immediately after a living flame burst out. The Master was immediately called and the Chief Officer went and got out the four hoses and had the pumps started, the four lines of hose being inserted into the tween deck through the ventilators. In the meantime the ship's head had been turned and her course set to steam slowly away from the wind. As by 6 A.M. the fire had not abated eight of the nine steam injectors were set to work to inject steam into the hold. At 3 A.M. the Master in consultation with his officers decided to try the effect of CO2 and as this gas was not carried as a fire appliance, lines of piping were improvised in order to get the gas into the hold. Wireless communication had already been established with the 'Clan MacIver' and she began steaming parallel with the 'Frangestan' at 7-45 A.M. The boats on the port side of the 'Frangestan' were put out as the vessel had taken a list to starboard owing to the quantity of water pumped in. Throughout the day every effort appears to have been made by the use of lines of hose, steam injectors and CO2 to put out the fire, the officers in their endeavours to do so being overcome by fumes time and again. At 4 P.M. in view of the serious condition of the ship and the approaching fall of night the transfer of the pilgrims and passengers to the s.s. 'Clan MacIver' which was still standing by began. This operation was carried out by 9 P.M. without a single mishap and, taking into consideration the large number of pilgrims and their panic-stricken state, we consider that this fact reflects very great credit on the Master, Officers and men and on the discipline of the ship. Efforts to extinguish the fire were continued until about 11 P.M. by the officers and men and as about half the ship was then alight there was no alternative but to abandon her. This was accordingly done, the passengers and pilgrims and crew of the ship proceeding to Port Sudan on the 'Clan MacIver'.

7. The fire on the 'Frangestan' continued and she was still on fire at 11-30 P.M., on April 3rd, 1924, when sighted by H. M.'s Submarine K.-26. The Commander of the Submarine finding her to be burning fiercely and considering her a danger to navigation, wirelessed to the Commander-in-Chief Mediteranean, for permission to sink her. After the usual inquiry by Lloyds Agents whether there was any chance of saving her, K.-26 sank the 'Frangestan' at 1-25 P.M on the 4th April 1924 by gunfire.

8. The case is a very difficult one to decide in the light of the evidence placed before us and on the point of cause of the fire our decision can only be based on theory.

9. On the question whether the cargo was properly laden and stowed the Court agrees with the opinion of the Assessors that the cargo was not properly laden and stowed. If it is correct that the cargo was stowed according to the custom of the Port, we consider that there is room for considerable improvement in this direction. No attention appears to have been paid at all to the desirability of separating oil-seed from cotton bales. The supervision to stop the sfevedore's coolies from smoking or dropping matches in the hold does not seem to have been efficient. A possible cause of the fire would exist here.

10. The question whether there was anything in the cargo which might have caused spontaneous combustion is an extremely difficult one. We have heard Major Higham, the Chemical Analyser to Government, on this point but unfortunately his opinion is based on the facts brought out in the evidence of the Captain and the Chief Officer.

The fact that the cotton bales were stowed with linseed and rapeseed bags on top of them was not then clearly established. Major Higham is of opinion in regard to the cargo carried in No. 2 hold that linseed was the most dangerous as far as the spontaneous combustion is concerned. Then comes cotton seed, then rapeseed, then castor seed. He states that cotton impregnated with 10 to 15 per cent. of linseed oil would ignite, but he does not consider that this condition would obtain if linseed was stowed in close proximity to cotton. In view of the stevedore's evidence which was given after Major Higham we consider it extremely probable that the stowage without discrimination or separation of bales of cotton with bags of linseed on top of them and the fact that the oil seed bags were used as broken stowage did cause a certain portion of the cotton in the tween deck to be impregnated with a sufficient percentage of oil as to create a condition liable to spontaneous combustion.

11. We agree with the Assessors that proper measures were taken on the voyage to protect the cargo from fire and we consider that the theory that fire may have been introduced to the cargo through the ventilator hatches or other means of access, as untenable. We also consider that nothing occurred at Kamaran which could have caused the fire.

12. On the question whether the Master should have adopted any other method to extinguish or control the fire we decide that the Master, Officers and crew did their utmost to deal with the fire and the Master is deserving of commendation for adopting the method he did in using CO2 which was not supplied to him as a fire appliance.

13. We also agree that the ship was not prematurely abandoned and we are of opinion that the Master would have been uselessly endangering the lives of his men if he did not abandon the ship when he did. As it was, the Chief Engineer was unconscious when he was removed.

14. The question whether the casualty was due to any want of care, skill or incompetency of the Master, or any other person, having been abandoned by the Public Prosecutor we do not reply to it.

15. The actual cause of the fire cannot be ascertained on the evidence adduced before us but it was possibly caused by the presence among the cargo, of some inflammable materials, *i.e.*, matches or lighted *bidees* or cigarettes which were left in the hold while the steamer was being loaded or very probably due to spontaneous combustion arising from the conditions produced by the improper stowage we have already referred to in paragraph 10.

(Sd.) FRANK OLIVEIRA,
Acting Chief Presidency Magistrate, Bombay.

(Sd.) C. A. OAKSHOTT,
Master, s.s. 'Pasha'.

(Sd.) F. SUDELL,
Master, s.s. 'Kulderpore'.

GRANT OF SPECIAL PROMOTION TO POSTAL OFFICIALS ON ACCOUNT OF FIELD SERVICE.

1956. ***Mr. Chaman Lall**: (*a*) With reference to the answer given to my starred question No. 1482 at the last Simla session of the Legislative Assembly, will the Government be pleased to place on the table a copy of the letter, dated 20th November 1919, which the Director General is stated to have construed as not being of general application but to refer only to the particular case then under appeal ?

(*b*) Will the Government be pleased to state whether it was their intention when that letter was issued that it was not to be taken as being of general application but applicable only to the case then in hand ? If not, have the Government accepted the explanation given by the Director General, Posts and Telegraphs, as satisfactory ?

(*c*) Will the Government be pleased to state their reasons for not wishing to consider the claims of affected persons ?

The Honourable Mr. A. C. Chatterjee : (*a*) A copy of the Commerce and Industry Department letter dated the 20th November, 1919, is placed on the table.

(*b*) Government intended that the observations contained in the letter in question should be of general application but in the letter this was not specifically stated in the form of an order, and the Director General did not therefore issue a general order on the subject. Government decided to remove all doubts by the issue of a subsequent letter dated the 20th May, 1920, explicitly prohibiting the grant of such special promotion.

The Government of India did not at the time ask for any explanation from the Director General.

(*c*) I have no reason to believe that any injustice has resulted and I am not prepared to reopen decisions that were taken more than four years ago ; a course that can only lead to further complications.

Copy of a letter No. 218-D., dated Delhi, the 20th November 1919, from the Deputy Secretary to the Government of India, Department of Commerce and Industry, to the Director-General of Posts and Telegraphs.

I am directed to refer to your letter No. 257-S.-Ap., dated the 5th November, 1919, submitting for the orders of the Government of India a memorial, dated the 28th September, 1919, addressed to His Excellency the Viceroy by Mr. A. Angelo, Superintendent of Post Offices, 2nd grade, Dehra Dun Division.

2. In reply, I am to say that the field service of officials of the Post and Telegraph Department is properly recompensed by the special rates of pay which they draw, and that meritorious service in the field is rewarded by the grant of honours. The Government of India do not consider that field service should be regarded as a ground for special promotion in the ordinary cadre of the Department.

3. The reasons for Mr. Appleby's promotion to the rank of Deputy Postmaster-General appear to have been misunderstood. Mr. Appleby was not promoted as a reward for his services in East Africa, but because he had given proof of exceptional ability.

4. I am to say that Mr. Angelo's memorial is rejected, and that he should be informed accordingly.

PROPOSED NEW POST OFFICE AT PESHAWAR.

1957. ***Mr. Chaman Lall :** (*a*) Will the Government be pleased to state whether it is a fact that in providing the very necessary increased accommodation for the Peshawar Head Office a site has been selected far removed from the business quarters where nine-tenths of the postal traffic is received ?

(*b*) What is the proposed new Post Office going to cost ? Cannot the existing building be extended and enlarged at a lower figure than is ear-marked for expenditure on the proposed building ?

(*c*) If it is considered that there is not sufficient land where the Post Office is at present to accommodate also the Telegraph Office have any efforts been made to acquire the land adjoining the Post Office to meet the erection of additional buildings ?

(*d*) Is it a fact that the Postal Department has had to pay about Rs. 8,000 to the Military Department for the land selected on Jheel Road as the site for the new building and has at a further outlay of about Rs. 75,000 erected, in another quarter, buildings for the Military Department in lieu of the buildings now located on the site purchased ? With an additional expenditure for demolishing the buildings on the acquired site will not preliminary expenditure amount to something in the vicinity of one lakh of rupees ?

(*e*) Was the A. C. R. E. (Civil) Peshawar who is in charge of Civil Government buildings in the station consulted in the matter of adapting the present building to modern and present day requirements ? If so, with what result ?

(*f*) Is it a fact that the Railway Authorities are desirous of acquiring the site now purchased for the new Post Office for its requirements ? Are the Government prepared to make over this with building on it to the Railway and to utilise the amount thus realised towards enlarging the existing Post Office ?

Mr. H. A. Sams : (*a*) The suitability of the site selected has already been explained in the reply given to paragraph (*e*) of the Honourable Member's Question No. 1555, of the last meeting of the Assembly.

(*b*) Detailed estimates have not yet been prepared.

With regard to the second part of this question, the Honourable Member's attention is invited to the reply to paragraph (*e*) of the question No. 1555, already cited.

(*c*) No. Even if land were available, the cost of acquisition would be prohibitive.

(*d*) The answer is in the affirmative.

(*e*) No.

(*f*) The answer to the first part is in the affirmative, and to the second part in the negative.

LOSS ON CERTAIN POST OFFICES IN THE NORTH WEST FRONTIER PROVINCE.

1958. ***Mr. Chaman Lall :** (*a*) Is it a fact that the following Post Offices are not self-supporting offices:

(*a*) Under D. I. Khan, H. O. :

(1) Darazanda (2) Kaur (3) Khirgi (4) Moghul Kot Sherani (5) Mulazai (6) Murtaza (7) Sararogha (8) Yarik (9) Zam (10) Gomal.

(*b*) Under Bannu, H. O. :

(1) Ahmedzai (2) Datta Khel (3) Khajuri.

(*c*) Under Kohat, H. O. :

(1) Alizai (2) Bahadar Khel (3) Gurgari (4) Sadda ?

(*b*) If the reply to the above is in affirmative, will the Government be pleased to state if these Post Offices are opened on the N. W. F. on political grounds ?

(*c*) Will the Government be pleased to state the net annual loss to the Postal Department by keeping these offices open for military requirements ?

(*d*) Are the Government prepared to debit the loss sustained by the Postal Department to the Military Department ?

Mr. H. A. Sams : (*a*) Yes, except the post office at Khirgi.

(*b*) Yes, military and political.

(*c*) Rupees 2,147.

(*d*) The question of debiting against the Departments for whose benefit these offices are maintained the loss sustained by the Post and Telegraph Department is under consideration.

CASE OF MR. HARBHAGWAN DAS, POSTAL CLERK, UMBALA.

1959. *Mr. Chaman Lall : (*a*) Is it a fact that Mr. Harbhagwan Das, postal clerk, Umbabla, was in the case alluded to in unstarred question No. 150 Delhi Session 1924, reinstated in his post by the Director General of Posts and Telegraphs, on appeal ?

(*b*) Is it a fact that Mr. Harbhagwan Das and Mr. Amin Chand, Assistant Postmaster, the postal officials concerned in the case, were each made to pay one-fifteenth of the total loss as a punishment for their neglect of duty ?

(*c*) Is it a fact that it was proved in the law court that the insured letter was lost out of the possession of the Assistant Postmaster and not of clerk Harbhagwan Das, and that the responsibility for loss rested more with the Assistant Postmaster than the clerk ?

(*d*) Is it a fact that Harbhagwan Das, clerk has been dealt with, by being deprived of his pay for the period he remained out of employ ?

(*e*) Is it a fact that the loss of the pay to Mr. Harbhagwan Das for the period from 11th April 1923 to 6th March 1924, means an approximate loss of Rs. 600, which, if added to the Rs. 100 recovered from him as a punishment, comes to Rs. 700 ?

(*f*) Are the Government prepared to reconsider the decision and order the period the official remained out of employ to be treated as leave or suspension on full pay ?

The Honourable Mr. A. C. Chatterjee : (*a*) Yes.

(*b*) to (*f*). Government have no information regarding the case, about which they have received no appeal.

Mr. Chaman Lall : Are Government prepared to consider this case if an appeal is sent up ?

The Honourable Mr. A. C. Chatterjee : I always give the closest attention to any appeal sent to me.

RESPONSIBILITY FOR THE SAFETY AND CUSTODY OF MAILS IN TRANSIT.

1960. *Mr. Chaman Lall : (*a*) Is it a fact that according to the terms of lease executed between a mail contractor and the Government, the contractor is solely and wholly responsible for the safety and custody of mails during transit, namely, between a post office and post office, or between a post office and a railway station, or Railway Mail Service Mail Office, and *vice versa* ?

(*b*) Is it a fact that a Postal or R. M. S. Mail Clerk, who may accompany mails according to any local orders (unauthorised by rules) with the object of examination of condition and number of bags received and delivered at both ends, cannot be held responsible for the safety of mails during transit when mails are in charge of mail contractor's men according to the terms of the lease ?

(*c*) If the replies to above be in the affirmative, are the Government prepared to reconsider the case of Dyal Ram, clerk, Peshawar, with a view to exempt him from the payment of Rs. 200 ordered to be recovered from him as punishment ?

The Honourable Mr. A. C. Chatterjee : (*a*). and (*b*). The answer to these questions must depend on the terms of the contract entered into with the mail contractor in each individual case.

(*c*) The Government of India have not seen the contract entered into with the mail contractor in the case in question. If Mr. Dyal Ram has a grievance, he is at liberty to appeal through the usual channel.

APPEAL OF MR. RAMJI DAS, CLERK, PESHAWAR POST OFFICE, REGARDING HIS PROMOTION.

1961. ***Mr. Chaman Lall:** (*a*) Is it a fact that Mr. Ramji Das, clerk, Post Office, Peshawar, acted as Assistant Postmaster, Peshawar, in the 145—170 selection grade for fourteen months ?

(*b*) Is it a fact that not a single unfavourable report was ever made by his superior officers against his work as Assistant Postmaster during the time he held charge of the 145—170 selection grade ?

(*c*) Is it a fact that Mr. Ramji Das proceeded on leave immediately after his making over charge of the Assistant Postmastership ?

(*d*) Is it a fact that while on leave Mr. Ramji Das in reply to his two applications was given assurances twice by the Postmaster General, Punjab and N. W. F. Circle, of his acting and permanent promotions to the 145—170 selection grade ?

(*e*) Is it a fact that Mr. Ramji Das was declared unfit for the 145—170 grade in reply to his third application while still on leave ?

(*f*) Is it a fact that during the period between the dates of his relinquishing charge as Assistant Postmaster and unfitness orders by the Postmaster General, the official was on leave and that his practical work as Assistant Postmaster was never declared unsatisfactory ?

(*g*) Is it a fact that the official has submitted an appeal to the Director General, Posts and Telegraphs, India, praying for his long over-due promotion ?

(*h*) If replies to the above be in the affirmative, are the Government prepared to give a chance to Ramji Das to prove his fitness for the 145—170 selection grade which he has already held for 14 months ?

The Honourable Mr. A. C. Chatterjee : Government have no information on the subject, except that they understand that an appeal has been received by the Director-General from Mr. Ramji Das and is now under consideration.

PROMOTION OF POSTAL SUBORDINATES IN THE PUNJAB POSTAL CIRCLE.

1962. ***Mr. Chaman Lall :** (*a*) Will the Government be pleased to state separately the number of appointments of Rs. 50 and 60 grade vacant on 23rd September 1920, in the Punjab Postal Circle, which were not filled up before the introduction of the time-scale of pay from the same date ?

(*b*) Will the Government be pleased to state the names of the postal officials who could be promoted to the vacant appointments referred to above ?

(*c*) Will the Government be pleased to state separately the salaries which the officials alluded to in (*b*) above could draw to-day by virtue of their promotions ?

(*d*) Is it a fact that the Financial Adviser, Posts and Telegraphs, has been pleased to decide in his letter No. 65-P.T., dated the 4th March 1924, a similar case of Mr. Munshi Ram, clerk, Simla, allowing the official to draw higher pay Rs. 106, with effect from 1st June 1924 ?

(*e*) Are the Government prepared to consider similarly the cases of all other postal officials referred to in (*b*) above who could similarly get promotions had the posts been filled up ?

The Honourable Mr. A. C. Chatterjee : (*a*), (*b*) and (*c*). The information asked for is not available.

(*d*) Yes.

(*e*) No. The circumstances indicated are hypothetical and I am not prepared to decide individual cases without full consideration of the facts in each case.

STOPPAGE OF INCREMENTS OF CERTAIN PUNJAB POSTAL OFFICIALS.

1963. ***Mr. Chaman Lall** : (1) Is it a fact that increments of the following Punjab postal officials were stopped for the periods noted against them :

Name.	*Designation.*	*Period.*
(*a*) Amir Chand ..	S. P. M., Lachi (Derajat Division).	For 6 months.
(*b*) Behari Lal ..	S. P. M., Sadda (Derajat Division).	For 1 year.
(*c*) Udhe Bhan ..	Clerk, Hangu (Derajat Division)	For 6 months.
(*d*) Bhaim Sain ..	Clerk, Kohat (Derajat Division)	For 2 months.
(*e*) Qadir Bakhsh ..	Clerk, Kohat (Derajat Division)	For 3 months.
(*f*) Abdul Aziz ..	Postmaster, Campbellpore ..	For 3 months.

(2) Is it a fact that the punishment detailed in part (1) above was ordered to affect all future increments of the said officials ?

(3) Will the Government be pleased to state the cumulative effect of stoppage of increments in each case separately ?

(4) Do the Government propose to reconsider all the cases with a view to remit or reduce the punishments ?

The Honourable Mr. A. C. Chatterjee : Government have no information. If the individuals referred to have any grievance, they are at liberty to appeal in the usual manner.

ARREARS OF PAY OF R. M. S. OFFICIALS OF " D." DIVISION.

1964. ***Mr. Chaman Lall** : (*a*) Will the Government be pleased to state reasons for which officiating and temporary services rendered by the R. M. S. officials of ' D ' Division could not be accounted for and arrears of pay could not be paid up till now ?

(*b*) Is it a fact that the R. M. S. officials concerned are not the party at fault for delay in disbursement of arrears of pay ?

(*c*) Is it a fact that according to the latest orders of the Government the arrears of pay were due to these R. M. S. officials with effect from the year 1921 as in the case of other officials ?

(*d*) Will the Government be pleased to state reasons on the strength of which these R. M. S. officials can be debarred from their dues from the date they were paid to other Postal and R. M. S. officials ?

(*e*) Do the Government propose to order immediately disbursement of the arrears of pay from the date they actually fell due ?

Mr. H. A. Sams : (*a*) The " D " division was created in October, 1919, and a portion of its personnel was transferred to it from other divisions. The verification of the temporary and officiating service of this personnel therefore necessitated references to other divisions and took some time to complete.

(*b*) Yes.

(*c*) No—in some cases arrears of pay were due to the officials of the " D " division R. M. S., from March 1921, while in other cases they were due from March, 1924, according as each individual case was covered by the conditions governing the application of the concessional orders.

(*d*) The R. M. S. officials in question are not being debarred from their dues.

(*e*) Of a total of 180 claims, 173 have already been admitted and forwarded to the Deputy Accountant-General, Posts and Telegraphs, Delhi, for pre-audit. The 7 remaining claims will be settled shortly.

VENTILATION AND HUMIDIFICATION IN COTTON MILLS.

1965. ***Mr. Chaman Lall** : (*a*) Will Government explain the delay in giving effect to the recommendations made by Mr. T. Maloney in regard to the question of ventilation and humidification in cotton mills ?

(*b*) Have Government received replies from Local Governments regarding this question ?

(*c*) Did Mr. Maloney come to the general conclusion that it is significant that the physique of the average cotton operative is much lower than that of workers of similar castes and wage-earning capacity in other trades, and that weight decreases after a few months' continuous service ?

(*d*) Are Government prepared to expedite legislation in regard to the question ?

The Honourable Mr. A. C. Chatterjee : (*a*) and (*b*). Local Governments have been addressed on the question and have been asked to reply before 1st November 1924. No replies have yet been received.

(*c*) Mr. Maloney's views are set forth in his report which has already been published.

(*d*) Until replies are received from Local Governments, it will not be possible to decide on the measures to be adopted.

Sir Purshotamdas Thakurdas : Will Government be pleased to state who this Mr. T. Maloney is ?

The Honourable Mr. A. C. Chatterjee : He was an expert on the subject who was brought out to India by the Government of India to investigate into the matter.

Sir Purshotamdas Thakurdas : Did the investigation originate with the Government of India or was there any recommendation for the investigation from somewhere else ?

The Honourable Mr. A. C. Chatterjee : The recommendation originated from the Bombay Government but the Government of India warmly took up the investigation.

VARIOUS CLASSES OF OFFICERS EMPLOYED ON RAILWAYS IN INDIA.

1966. ***Mr. Chaman Lall :** (*a*) Will Government be pleased to state the total number of the following officers on Railways in British India :

(1) Agents, (2) General Managers, (3) Managers, (4) Traffic Managers, (5) General Traffic Managers, (6) Traffic Superintendents, (7) Chief Traffic Managers, (8) Chief Traffic Superintendents, (9) Chief Engineers, (10) Superintendents of Ways and Works, (11) Engineers in Chief, (12) Engineers, Ways and Works, (13) Loco. and Carriage Superintendents, (14) Carriage and Wagon Superintendents, (15) Chief Mechanical Engineers, (16) Chief Electrical Engineers, (17) Loco. and Carriage Running Superintendents, (18) Controllers of Stores, (19) Superintendents of Stores, (20) Chief Store Keepers, (21) General Store Superintendents, (22) Store Keepers, (23) Colliery Superintendents, (24) Chief Store Superintendents.

(*b*) Will Government be pleased to state how many of these officers were British Indian subjects on the 1st July 1924 ?

(*c*) Will Government be pleased to state how many Indian officers there are now out of the total number employed in the Railway Department in the Railway Board Headquarters, also in the following Departments :

1. Indian Railway Conference Association.
2. Traffic Committee.
3. Loco. and Carriage Superintendents Committee.

Mr. A. A. L. Parsons : (*a*) and (*c*). Details will be found in the Railway Board's Classified List of Establishment, the latest copy of which is available in the Members' Library.

(*b*) If it is desired to know the number of Indians, this information is also available in the above publication. If, however, the question refers to subjects of British India as distinguished from subjects of Indian States, Government have not the information.

Mr. Chaman Lall : May I ask the Honourable Member, Sir, whether it is not possible for him to tell us offhand as to how many Indians are employed in the various offices mentioned by me in this question ?

Mr. A. A. L. Parsons : No, Sir, I am afraid my memory is not so encyclopaedic.

Mr. Chaman Lall : Is the Honourable Member prepared to give a statement on these lines ?

Mr. A. A. L. Parsons : No. The Honourable Member can already obtain the information from the copy of the Railway Board's Classified List of Establishment which is in the Library.

Mr. Chaman Lall : Am I to understand that there is not a single Indian employed in the offices mentioned by me in this question ? Am I further to understand that it is very inconvenient for the Honourable Member to lay the facts before us at the present moment ?

12 NOON.

Mr. A. A. L. Parsons : The answer to both the Honourable Member's last two supplementary questions is in the negative.

Mr. Chaman Lall : May we know the reasons why the Government do not place the facts before us ?

VISIT OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS TO ISLAMABAD.

1967. *Mr. Chaman Lall : (*a*) Are Government aware that in reply to a question of mine in the May session of the Assembly it was stated that the Director General of Posts and Telegraphs visited Islamabad for purposes of inspection ?

(*b*) Are Government aware that Islamabad in Kashmir has a small Sub-Post Office run by two clerks ?

(*c*) Will Government state the urgent business which necessitated the Director General's visit to Islamabad ?

Mr. H. A. Sams:

(*a*) No such statement was made.

(*b*) Yes, in addition to the Sub-Postmaster.

(*c*) therefore does not arise.

Mr. Chaman Lall : Do I understand that.....

Mr. H. A. Sams : May I ask the Honourable Member to repeat his question ?

Mr. Chaman Lall : May I ask whether the Director General visited Islamabad ?

Mr. H. A. Sams : The question was :

" Are Government aware that in reply to a question of mine in the May session of the Assembly it was stated that the Director General of Posts and Telegraphs visited Islamabad for purposes of inspection ? "

I have replied to that question. That question related to the Postmaster General and not to the Director General.

Mr. Chaman Lall : Did the Postmaster General visit Islamabad ?

Mr. H. A. Sams : He did.

Mr. Chaman Lall : Did he visit Islamabad for the purposes of inspection ?

Mr. H. A. Sams : Yes.

Mr. Chaman Lall : Is it correct that Islamabad is a small sub-post office with a staff of only two clerks.

Mr. H. A. Sams : No, Sir. It is an important sub-office, at the end of an important mail line.

Mr. Chaman Lall : Is it in Kashmir ?

Mr. H. A. Sams : It is in Kashmir.

Mr. Chaman Lall : Was it a pleasure trip ?

Mr. H. A. Sams : No, Sir.

CONTRACT RATES FOR THE SUPPLY OF VEGETABLES AT MURREE AND RAWALPINDI CANTONMENTS.

1968. ***Mr. Chaman Lall** : Will Government be pleased to state (*a*) whether the contract rate for the supply of vegetables for Murree and Rawalpindi is Rs. 5-12 and 4-12, respectively, (*b*) whether last year the rate was Rs. 3-8 and Rs. 1-15 respectively, (*c*) whether any public tenders were called for ?

Mr. E. Burdon : (*a*) The contract rates for the supply of fresh vegetables at Murree and Rawalpindi Cantonments in 1924-25 are Rs. 5-12-0 and Rs. 4-8-0, per 100 lbs., respectively.

(*b*) The rates per 100 lbs. in 1923-24 were as follows :—

	Rs.
Murree Cantonment	3 14 6
Rawalpindi Cantonment	1 15 2

(*c*) No.

Mr. Chaman Lall : Why were not public tenders called for ?

Mr. E. Burdon : I have made inquiries on that point, Sir, and I find that it is a very easy matter to obtain tenders for the supply of vegetables at much lower rates than those which have been accepted, but in all cases the quality of the vegetable is exceedingly bad. It is quite an easy thing to get cheaper vegetables, but they are always bad : and fresh vegetables are such an important article of diet for the soldier that it was decided to make this alternative arrangement. It is giving satisfactory results.

Mr. Chaman Lall : Is the gentleman connected in any way with the Aman Sabha ?

Mr. E. Burdon : What gentleman, Sir ?

Mr. Chaman Lall : The contractor. Is he connected with the Aman Sabha, Rawalpindi ?

Mr. E. Burdon : I really do not know.

PROHIBITION OF THE ENTRY OF SYED HABIB SHAH, EDITOR, " SIASAT ", INTO THE N. W. F. PROVINCE.

1969. ***Mr. Chaman Lall** : Is it a fact that Syed Habib Shah, Editor, " Siasat," Lahore, was recently prohibited from entering the N. W. F. Province ?

Mr. Denys Bray : Yes, Sir.

Mr. Chaman Lall : What were the grounds for prohibiting the entry of Syed Habib Shah into Peshawar ?

Mr. Denys Bray : That is a more substantive question than the question to which I have replied.

The position, as I understand it, was this. This gentleman visited Peshawar two or three years ago and had unfortunately to be asked to leave. A few weeks ago he asked if there was any objection to his

return. The matter was put under inquiry, and the gentleman was so informed. Unfortunately, this *ad interim* reply seems to have hurt the gentleman, for he sent a letter through his Secretary to say :

"The undersigned is further instructed to inform the Deputy Commissioner, Peshawar, not to take more action in the matter, as, whatever the decision, Syed Habib Shah shall pay a visit to Peshawar after Ramzan as soon as necessary and possible."

It was on that and as a result of the inquiries that had been made into his conduct on the previous occasion that an order was issued to say that his presence was not desirable.

RUSSIAN ROUBLE NOTES.

1970. **Mr. Chaman Lall** : Will Government be pleased to state whether they have made any representation to the Secretary of State for India regarding the subject of Russian rouble notes in the possession of Indian traders which they were made to deposit in Government Treasuries ?

The Honourable Sir Alexander Muddiman : The matter was brought to the notice of the Secretary of State for India in 1922, but His Majesty's Government considered that it was not possible to claim any compensation in respect of rouble notes held by Indian merchants.

Mr. Chaman Lall : May I ask that when the matter is being discussed with the Russian Government, the matter will be reopened and a representation will be sent up by the Government of India in this connection ?

The Honourable Sir Alexander Muddiman : The Secretary of State, as I have told the Honourable Member, decided that nothing could be done in 1922. I have no reason to suppose that he has changed his attitude.

Mr. Chaman Lall : May I remind the Honourable Member that 1922 is not 1924 and that an Anglo-Soviet Treaty has been entered into ?

The Honourable Sir Alexander Muddiman : If there is anything which can be done in the matter, I am sure His Majesty's Government will do it.

TAXATION OF LAND VALUES.

1971. *Mr. Chaman Lall : Have Government instructed the Taxation Committee to consider the question of the taxation of land values ?

The Honourable Sir Basil Blackett : The terms of reference are comprehensive and special instructions of the kind suggested would appear unnecessary.

TRANSFER OF CLERKS AND ACCOUNTANTS OF THE MILITARY ACCOUNTS DEPARTMENT.

1972. **Mr. Chaman Lall** : 1. Will Government be pleased to state what amount of money was paid in the Military Accounts Department Office in a lump sum to the accountants in giving retrospective effect to the "next below rule" in the case of accountants ?

2. Will the Government be pleased to state how many clerks with pay varying from Rs. 50 to Rs. 100 p. m. were transferred from the office

of the Controller of Military Accounts, P. & A. District Calcutta, to various other offices of the Military Accounts Department in the Punjab, Quetta, Karachi, etc., from April 1920, and how many accountants with pay varying from Rs. 150 to Rs. 500 were transferred to the Calcutta office and what reason was there to transfer small paid clerks away from their hearth and home and to retransfer well paid Accountants to Calcutta ?

The Honourable Sir Basil Blackett : The information is being obtained and will be furnished to the Honourable Member on receipt.

UNSTARRED QUESTION AND ANSWER.

LIQUIDATION OF THE ALLIANCE BANK OF SIMLA.

349. **Mr. B. Venkatapatiraju :** Will the Government be pleased to state what steps the Government propose to take against the perpetrators of fraud if any in the matter of the bankruptcy of the Alliance Bank, Simla ?

The Honourable Sir Alexander Muddiman : I invite the Honourable Member's attention to the reply given by me to Mr. Bhubanananda Das's starred question No. 1869 on the 15th September 1924.

RIOT AT KOHAT.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : May I ask the Foreign Secretary whether he has received any further information about the Kohat riot, and whether he has perused the articles I sent up to him, and whether he has any information to give on those articles ?

Mr. Denys Bray (Foreign Secretary) : I have perused the articles that the Honourable Member very kindly sent to me. They of course do not wholly bear out all the reports which have reached me, but they confirm the reports to a great extent, and I now propose to read to the House a series of telegrams which I have received from Kohat during the last two days.

Mr. N. M. Joshi (Nominated : Labour Interests) : May I ask whether the Government of India have got any information about the exodus of coolies from the Assam tea gardens to.....

Mr. President : The Honourable Member must not interrupt the Foreign Secretary who has not yet finished.

Mr. Denys Bray : This telegram is from the Chief Commissioner now in Kohat :

"On the 2nd September copies of a pamphlet printed in Rawalpindi were circulated in Kohat under the auspices of the Sanatan Dharma Sabha, which contained a poem in which occurred a couplet telegraphed separately. The rest of the poem is also objectionable."

I do not propose, Sir, to read that couplet to the House ; it strikes myself as bording on desecration and would be regarded by Muslims as a blasphemous outrage ; and I do not wish to give it further currency than need be.

"Feeling at once ran high, and the leaders were called on for security by the Assistant Commissioner, Mr. Ahmed Khan, on the 3rd September. The Deputy Commissioner returned to Kohat that day and found that Jivan Das, the Secretary of

[Mr. Denys Bray.]

the Sabha, had been already arrested by the Assistant Commissioner. On the 4th the Deputy Commissioner saw the leaders of the Hindus, who had organized a partial *hartal*, and also the leaders of the Muhammadans. He said that he considered the pamphlet insulting and would deal with it. The leaders seemed satisfied and went away. The Assistant Commissioner was meantime inquiring into the case and reported in favour of an application for sanction of the Local Government to prosecute under sections 153A and 505, Indian Penal Code. The Deputy Commissioner gave a written order to the police to investigate the case. On the 8th, Jivan Das was released on bail on condition of his leaving the district until sent for. The hearing of the security case was fixed for the 11th. On the 9th, the Muhammadans to the number of fifteen hundred hearing of his departure waited on the Deputy Commissioner to protest. The Deputy Commissioner ordered the police in the Hindu quarters to be reinformed and then interviewed the crowd, and explained the reasons for sending Jivan Das away, adding that he had heard that the villagers had been urged to collect and attend the Court on the 11th and that he feared a breach of the peace, as after disposal of the case under section 107, Jivan Das would have to be released from the lock-up.

"They expressed themselves satisfied but asked for assurance that the case under 153A and 505 would really be taken up. This was given, and the Assistant Commissioner began his investigations, the crowd following to his court. The Deputy Commissioner returned to his office and ten minutes later had a telephone message that shots were being fired in the city. The crowd of Muhammadans was still outside; so the gates were closed. The Hindus apparently had become panic-stricken and fired on a crowd of shouting boys in the main bazaar, a Muhammadan boy being hit in the chest by a revolver bullet said to have been fired by a Sikh or Hindu pleader."

In reading out this telegram, Sir, I am omitting names as the case of course will be one for judicial inquiry.

"News spread rapidly and the Muhammadan crowd managed to re-enter the city. The Hindus retired to the roofs of the houses and began firing indiscriminately on the crowd and on the police coming to their rescue, three police being hit. No Muhammadans were seen with firearms in the city on the 9th, and on that day nearly all the casualties were Muhammadans, about 10 being killed and 20 wounded. The military arrived at about 1 P.M. and 9 shots were fired to silence the fire from the roofs. The police also fired into the air and at three houses from which the principal firing was coming. The troops first occupied the main bazaar and the Hindu Mohalla, and fires were then started in both places. The troops had to be withdrawn, and drew a cordon round outside. The police then cleared the bazaars, and the night was quiet, except for fires and looting. On the morning of 10th large crowds of Muhammadan villagers, many armed, collected; and many had succeeded in entering the city in driblets by digging holes in the walls, etc., during the night, intent on murder and looting in the Hindu Mohalla, where firing began again, and many Hindu casualties occurred, roughly 10 killed and 20 injured. The Deputy Commissioner then entered the Hindu Mohalla alone, and persuaded them to stop firing; and was then able to drive out the mob with the police and frontier constabulary. Firing all ceased by the afternoon of the 10th. Hindus, in spite of the posting of guards, insisted on leaving the city and all entered the cantonments, where they were temporarily accommodated, and they have now left for the Punjab except about 300. About 300 Muhammadans have so far been arrested. Damage not yet estimated, but may amount to 50 lakhs, as two-thirds of the Hindu Mohalla and the main bazaar have been burnt; so far the probabilities point to the cause of trouble being the undoubtedly provocative Hindu pamphlet, and the riot being apparently started by the Hindu pleader....."

Nawab Sir Sahibzada Abdul Qaiyum (North-West Frontier Province: Nominated Non-official): Why apparently, Sir?

Mr. President: Order, order. The Honourable Member knows that the Foreign Secretary is dealing with a very important matter and he naturally chooses his words with care.

Mr. Denys Bray:

"....started by the Hindu pleader, shooting a Muhammadan boy in a fit of panic. The old Kohat Hindus....."

—and I may say that this explains to myself at any rate part of what happened, because I know the old Kohat Hindu families well and

can say that they are a very shrewd and sober set of men ; it unfortunately appears that the Sanatan Dharm Sabha had passed from their hands into the hands of Hindus who knew Kohat and the conditions of Kohat less—

"……The old Kohat families were not involved at the outset and only slightly afterwards and will no doubt soon return. Arrangements for preventing trans-border men from approaching city were successful and they took no part in the disturbances."

And here again, Sir, I would like to mention that this is in contradiction to and in supersession of a Communique issued by the Army Department, I think, on Saturday. Of course in a matter like this, the civil authorities are the better judges of who are trans-frontier and who are cis-frontier men.

"Trouble has so far not spread to other Hindu bazaars in District, though the situation has been threatening in Hangu, Thall, Lachi, Teri, Shakardarra and Latammar, where arrangements, believed adequate, have been made."

A supplementary telegram reads thus :

"The Hindu version of the origin of Kohat riots is as follows. The Muhammadans were annoyed over proposed construction of new bathing tank for Hindu females and the pamphlet referred to in previous telegrams was merely a pretext. Loot of all Hindu shops was resolved on at a meeting held in a mosque on the night of 8th and started at the time fixed on the following morning. No Hindu fired until the temples were attacked. Accusations are made against Ahmad Khan, Assistant Commissioner."

Thus far the Hindu version. Mr. Bolton proceeds :

"I have been all over the city and the damage is undoubtedly very great. Fires are still burning in many places. Some Hindu houses are untouched but all temples have apparently been rifled and images broken. Some few Hindus have never left their houses and a few others have returned there. I have appointed a special European Superintendent of Police and a European Magistrate for inquiry."

On these telegrams, I asked Mr. Bolton a few questions, and his answer runs as follows :

"Few copies of pamphlet available as most were burnt. I will post one. Title page says 'Printed at Lakshmi Art Steam Press, Rawalpindi, and published by Jivan Das, Secretary, Sanatan Dharm Sabha, Kohat'."

Apparently the Sabha admits this.

"I have not yet seen it reproduced in the press."

I had asked that question with reference to the possibility of my having to make public the couplet which I have said I would prefer not to make public.

"Thirteen holes were found in the city wall by which the villagers are said to have entered but how they escaped notice of police and military pickets remains a mystery. Allegations against Assistant Commissioner are vague but he is accused of concealing preparations of Muhammadans, indifference to looting of Hindus, and general partiality. Definitely ascertained casualties are Police 3 wounded, Muhammadans 10 killed and 20 under treatment in civil hospital, Hindus 10 killed and 1 wounded in civil hospital. Also 8 wounded chiefly Hindus are reported under treatment in military hospital and some Hindus are believed to have been taken to Rawalpindi."

A telegram which I got from Mr. Bolton the first thing this morning says :

"All is now quiet in Kohat. Fire extinguished and shops re-opening."

In answer to a telegram to the Deputy Commissioner which I drafted yesterday with the kind help of an Honourable Member who is not here present to-day, I have received this :

"Practically all the Hindus have left Kohat for Punjab in reserved train accommodation. Guards were furnished for trains. Probably not more than 150 Hindus remain here. Refugee camp has been provided for them by military authorities

[Mr. Denys Bray.]

within cantonment limits. Those wishing to return to the city are encouraged to do so. Ample accommodation in Government school has been selected for housing those returning to the city who are temporarily homeless. Medical provisions for wounded who are few are ample. Eight are being treated by military medical officers in cantonment and one or two in civil hospitals. About 20 with minor injuries have been treated. Feeling appears to have subsided entirely in the city. It is anticipated that many refugees will return to the city within a few days. Food supplies are being arranged and will be adequate. Seva Samiti, Peshawar, has been asked to provide Hindu shopkeeper to supply Hindus. Two or three workers will be very welcome to assist in directing people to food shop, etc."

Diwan Bahadur T. Rangachariar : May I ask the Honourable Member if he has seen the statement in the newspaper which I gave him that the writer openly apologised for that pamphlet ? Is there any information to confirm it or to repudiate it ?

Mr. Denys Bray : The Honourable Member presumably asks me wheher I can confirm the fact that the pamphlet was *apologised* for.

Diwan Bahadur T. Rangachariar : Yes.

Mr. Denys Bray : I have not yet received that information but that is one of the points on which I am telegraphing to Kohat.

Diwan Bahadur T. Rangachariar : Has the Honourable Member's attention been also drawn to the fact that before the riots began, a meeting was held in the Town Hall by the Muhammadans and it was after this meeting that the riots began ?

Mr. Denys Bray : I may inform the Honourable Member at the outset that I was very grateful to him when he sent over the newspaper cutting. I have already said that, as far as I could within the limited time at my disposal, I have given the information in the public press as much care as I could. Out of those newspaper reports various points arise and are bound to arise on which I have already made up my mind to ask the local authorities for full and formal information. I would just like to drive it home again to the Honourable Member that these reports which I have read out are provisional reports supplied by our officials, not, of course, with an eye to publication or for reproduction in the Assembly here. They have been sent in order to put Government in possession of such facts as the local authorities have so far collected. It is quite obvious that, when the full report comes in, many other points will be dealt with, such as that which the Honourable Member is putting to me now. When the judicial inquiry is complete, I have not the slightest doubt that many matters which are still very obscure to myself will be made clearer.

Nawab Sir Sahibzada Abdul Qaiyum : May I ask, Sir, how the Hindus came in possession of the firearms in the city unless they had made previous arrangements for them ?

Mr. Denys Bray : I would really be grateful to the Honourable Member if he would refrain from putting to me searching and leading questions at the present juncture. I do assure the House that the Government view these happenings at Kohat as most tragic and I think it would be most unwise to attempt to elicit from Government at the present moment information which might serve further to exacerbate feelings which are already very bitter.

Baba Ujagar Singh Bedi (Punjab : Landholders) : May I know, Sir, whether the houses which are said to have been set fire to belonged to the Muhammadans or to the Hindus ?

Mr. Denys Bray : I had I hoped, made a clear statement from which surely it must have emerged that the houses burnt are, if not entirely, almost entirely, those of Hindus.

Mr. Bhubanananda Das (Orissa Division : Non-Muhammadan) : May I ask, Sir, whether the Government will be able to arrange for a few Members of this House from amongst the leaders including the Political Secretary himself to go to Kohat and make inquiries about this accident on the spot ?

Mr. Denys Bray : I am sure Government will welcome such a visit from the leaders of this House

Mr. Mahmood Schamnad Sahib Bahadur (West Coast and Nilgiris : Muhammadan) : Will the Honourable Member be pleased to state whether any inquiry was held and whether as a result of that inquiry it was found that a Muhammadan boy was shot and killed on account of panic ?

Mr. Denys Bray : I cannot assure the Honourable Member that there has already been an inquiry in the sense in which presumably he is using the term. The Deputy Commissioner and the Chief Commissioner are personally conducting such inquiries as are possible in the circumstances. The judicial inquiry was not instituted when these telegrams were sent off. I have no doubt that that inquiry either must have started by now or will start as soon as practical.

(Mr. Mahmood Schamnad rose to ask another question.)

Mr. President : We had better postpone any further questions on this subject till to-morrow.

EXODUS OF LABOURERS FROM THE ASSAM TEA GARDENS.

Mr. N. M. Joshi (Nominated : Labour Interests) : Will Government be pleased to give to the House information about the exodus of labourers from the Assam tea gardens ?

The Honourable Mr. A. C. Chatterjee (Industries Member) : Sir, the facts as stated in a telegram from the Assam Government dated the 11th instant are as follows : During August an exodus took place from Lakhimpur of about two hundred labourers who had recently been recruited from Madras Districts. These labourers were mostly repatriated. Following that, about 850 labourers, who had recently been recruited from the same area, left their gardens in Sibsagar district and marched to Jorhat, where an inquiry was held by the Commissioner and the Deputy Commissioner with the assistance of the Superintendent of the Tea Districts Labour Association, through whom the labourers had been recruited. The labourers made no complaints of irregular recruitment or of ill-treatment on the gardens, and their reasons for leaving the gardens were stated to be dislike of the Assam climate and some sickness amongst them. An offer to repatriate them after three months' work was refused and without warning the labourers left Jorhat and proceeded on their march to Jakhlabandha in the Nowgong district. Six deaths and two births occurred on the march. The causes of the deaths are not known, as the leaders of the party refused to allow the sick to stay behind for treatment. Food and medical attendance were supplied to the labourers. I have just received another telegram stating that all the labourers referred to were repatriated on the 12th instant by the Tea Districts Labour Association.

Mr. Chaman Lall (West Punjab : Non-Muhammadan) : May I know, Sir, what were the causes of these six deaths ?

The Honourable Mr. A. C. Chatterjee : The Assam Government had no means of ascertaining the cause of these deaths.

Mr. Chaman Lall : Will the Honourable Member find out from the hospital ?

The Honourable Mr. A. C. Chatterjee : I cannot find out when the Assam Government were unable to find out themselves.

Mr. Chaman Lall : Have they said so ? Have they said that they are unable to find out the causes of these deaths ?

The Honourable Mr. A. C. Chatterjee : Yes. I have just stated that causes of the deaths were not known as the leaders of the party refused to allow the sick to stay behind for treatment.

SEPARATION OF RAILWAY FINANCE FROM GENERAL FINANCES.

REPORT OF THE COMMITTEE LAID ON THE TABLE.

The Honourable Sir Charles Innes (Commerce Member) : Sir, I beg to lay on the table the Report of the Committee appointed by the Legislative Assembly on the 3rd of March to examine the proposals for the separation of railway from general finances.

Report of the Committee appointed by the Legislative Assembly on the 3rd of March to examine the proposals for the separation of railway from general finances with instructions to report as soon as possible after the beginning of the autumn session (vide *Legislative Assembly debates of the 8th March 1924*).

The proposals were examined by the Committee in the following order :

(i) The amount and form of the contribution to be paid by the railways to general revenues, if railway finances are separated from general finances.

(ii) The control of the Assembly over railway finances and policy, if railway finances are separated from general finances.

The Committee unanimously recommend that the contribution from railway to general revenues should be based on the capital at charge and working results of commercial lines only, and should take the form of a percentage of the capital at charge of commercial lines *plus* a small share of surplus profits.

2. The non-official members of the Committee recommend that the amount of the contribution to general revenues should be 1 per cent. of the capital at charge of commercial lines *plus* one-fifth of surplus profits, subject to the proviso that if the amount available for transfer to the railway reserve after the payment of the contribution exceeds in any year three crores of rupees only two-thirds of the excess over three crores shall be transferred to the railway reserve and the remaining one-third shall accrue to general revenues. They are of opinion that this arrangement should be subject to periodic revision but that it should be provisionally tried for at least three years.

The official members of the Committee reserve their opinion on this recommendation, but are prepared to submit it to the Government of India.

3. The Committee are unanimously of opinion that with the adoption of the following recommendations the control now exercised by the Legislative Assembly under the Government of India Act over railway finance and policy will not be in any way reduced by the acceptance of the proposals of Government for separating railway from general finances :

(i) The Assembly should be assured that the proposed method of keeping the accounts of the depreciation fund is practicable ; and that a satisfactory system of valuing stores from year to year is in operation.

(ii) The form the budget should take after separation, the detail it should give, and the number of demands for grants into which the total vote should be divided should be considered by the Railway Board in consultation with the proposed Standing Railway Finance Committee with a view

to the introduction of improvements in time for the next budget, if possible.

(*iii*) A Standing Finance Committee for Railways should be constituted consisting of two nominated official members of the Legislative Assembly one of whom should be Chairman, and ten members elected by the Legislative Assembly from their body. The members of the Standing Finance Committee for Railways should be *ex-officio* members of the Central Advisory Council ; which should consist, in addition, of not more than two further nominated official members, five non-official members selected from a panel of eight elected by the Council of State from their body and five non-official members selected from a panel of eight elected by the Legislative Assembly from their body.

4. The Committee note that all sums passed into and out of the Depreciation Fund and the Reserve Fund will require the vote of the Assembly.

5. The Committee further recommend that the railway year should be changed as soon as possible, and that the railway budget be presented in the September session so as to allow at least six days for its discussion.

6. The following members of the Committee, *viz.*, Mr. Venkatapati Raju, Sir Purshotamdas, Mr. Neogy, Mr. Rama Aiyangar, Mr. Ghose, Mr. Ghulam Bari, Mr. Ramchandra Rao, Mr. Joshi, and Pandit Madan Mohan Malaviya make the following further recommendations :

(*i*) that Indians should be fairly represented on the Railway Board ;

(*ii*) that no railway should be handed over to a private company without the prior approval of the Legislative Assembly ;

(*iii*) that the Railway Services should be rapidly Indianised.

7. Mr. B. C. Pal and Dr. L. K. Hyder were not present at the deliberations of the Committee and have not signed the Report.

(Sd.) C. A. INNES.
„ BASIL P. BLACKETT.
„ CLEMENT D. M. HINDLEY.
„ *PURSHOTAMDAS THAKURDAS.
„ *K. C. NEOGY.
„ *B. VENKATAPATI RAJU.
„ S. C. GHOSE.
„ GHULAM BARI.
„ M. RAMCHANDRA RAO.
„ DARCY LINDSAY.
„ W. S. J. WILLSON
„ *N. M. JOSHI.
„ *K. RAMA AIYANGAR.
„ H. S. GOUR.
„ BABA UJAGAR SINGH BEDI.
„ *M. A. JINNAH.
„ *M. M. MALAVIYA.

8th September, 1924.

* Subject to minute of dissent.

I think if the Central Advisory Council is to be of some use, the following provisions must be accepted :

(1) The Chairman shall place on the agenda any matter regarding the working of the Indian Railways on the request of any five members.

(2) The Chairman shall call a meeting of the Council within a reasonable period, if requested by any five members to do so.

(3) The Central Advisory Council shall make a report of the work done by it during the year, to the Legislative Assembly..

(Sd.) N. M. JOSHI.

SIMLA :
The 10th September, 1924.

1. The 1 per cent. of the capital at charge and the interest payable by the railway to calculate the surplus on commercial lines shall be calculated on the capital at charge at the end of the penultimate year as worked out by Mr. Parsons on the last sheet of his note, dated 27th August 1924.

2. I am of opinion that the Financial Commissioner for Railways should work under the Finance Member as a full-timed officer of Railways attending to the financial side of all schemes from their inception but without taking part by voting for the decisions of the Board.

(Sd.) K. RAMA AIYANGAR.

SIMLA :

The 10th September, 1924.

With regard to paragraph 3 of the report, it is not correct that the Committee expressed its unanimous opinion. We cannot agree with the view that the control now exercised by the Legislative Asembly under the Government of India Act over Railway Finance and policy will not in any way be reduced by the acceptance of the proposals of Government for separating Railway from General finances.

M. A. JINNAH.
M. M. MALAVIYA.
B. VENKATAPATI RAJU.

On further consideration I also agree to this note.

K. RAMA AIYANGAR.

The 13th September, 1924.

We are of opinion that the ten members of the Finance Committee, mentioned in para. 3 (*iii*), should be elected by the non-official members only ; and further that the five non-official members of the Central Advisory Council should be elected directly by the non-official members of the Assembly, and not selected from a panel.

M. M. MALAVIYA.
M. A. JINNAH.
PURSHOTAMDAS THAKURDAS.
B. VENKATAPATI RAJU.
K. RAMA AIYANGAR.
K. C. NEOGY.

The 13th September, 1924.

We think that the recommendations mentioned in paragraph 6 should be agreed to by Government, before the Assembly should accept the proposals of Government.

M. M. MALAVIYA.
PURSHOTAMDAS THAKURDAS.
M. A. JINNAH.
B. VENKATAPATI RAJU.
K. RAMA AIYANGAR.
K. C. NEOGY.

The 13th September, 1924.

THE WORKMEN'S BREACH OF CONTRACT (REPEALING) BILL.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I beg to move for leave to introduce a Bill to repeal certain enactments whereby breaches of contract by labourers are made punishable under the criminal law.

Sir, this is in response to a pledge given by my predecessor on a Resolution moved by my Honourable friend Mr. K. C. Neogy. An enactment of

this kind has been considered for some time to be out of place in the general law of the country, although it is possible that it may be wanted in some out of the way places. And if that be the case, it should be provided for by the local Legislatures and not by the general law. The reason why the repeal is not being effected at once and is going to be effected on the 1st April 1926 is that notice must be given in order that the local Legislatures may have time to enact anything that may be necessary and also employers and employed may have time to consider their own position when this law is gone.

When we consulted Local Governments regarding the Workman's Compensation Act we also took the opportunity of consulting them regarding two cognate sections of the Indian Penal Code, sections 490 and 492. Section 490, as the House knows, deals with breach of contract in regard to service during a voyage or journey. Section 492 deals with breach of contract in regard to service in distant places. There is no doubt that in the conditions in India when the Penal Code was enacted there was justification and probably ample justification for inserting these provisions in the law ; but we think that that time is past and opportunity should be taken at the same time when dealing with the Workmen's Breach of Contract Act to repeal these two provisions also. I think that explains the position sufficiently to the House, and I now move for leave to introduce the Bill.

Mr. President : The question is :

"That leave be given to introduce a Bill to repeal certain enactments whereby breaches of contract by labourers are made punishable under the criminal law."

The motion was adopted.

The Honourable Sir Alexander Muddiman : Sir, I introduce the Bill.

THE INDIAN SOLDIERS (LITIGATION) BILL.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I beg to move :

"That the Bill to consolidate and amend the law to provide for the special protection in respect of civil and revenue litigation of Indian soldiers serving under special conditions, as passed by the Council of State, be taken into consideration."

Sir, special protection in regard to these matters was first given by Ordinance during the war. This was replaced by an Act passed in 1911 and again re-enacted and amended by the Indian Soldiers' (Litigation) Act of 1918. Now those Acts applied and gave protection to soldiers who were serving under war conditions or on other service which is declared by the Governor General in Council to be service under war conditions. It has been suggested on several occasions that this protection should be extended ; that it is required just as much, or nearly as much, by Indian soldiers serving overseas and also in certain areas in India. We consulted Local Governments regarding the working of the existing Act, and they told us that the Act was a real benefit to the Indian soldier, and they also told us that it did not cause any appreciable inconvenience to the general public. The Bill therefore extends the

[Sir Alexander Muddiman.]

protection in the manner I have explained. The particular places which are specified in the Bill itself where this protection is given, are :

"at any place in Persia, Tibet, Afghanistan; Kashmir, Nepal or China, or with any unit the headquarters of which are situated at any place in Chitral, Waziristan, the North-West Frontier Province or British Baluchistan which is more than fifty miles distant by road from the nearest railway station."

I think that the clause explains itself. It is most desirable that when you have men serving in those circumstances that they should get the protection to which this Bill refers.

One other point, Sir. The Bill, while extending the protection in the respects I have mentioned also restricts it in other particulars. It restricts it in regard to suits, applications or appeals to enforce a right of pre-emption, and also restricts it where the soldier's interests are adequately represented by such other party. Those are the main provisions of the Bill which I now ask the House to take into consideration.

There is one other point which was raised last session by my Honourable friend, Sardar Bahadur Captain Hira Singh, who asked me why the Bill we passed that session should not be made retrospective. I had inquiries made and am told that the only suits that were dismissed were six suits all relating to pre-emption. These are suits which are expressly excluded from the Bill.

I move that the Bill be taken into consideration.

Mr. President : The question is :

"That the Bill to consolidate and amend the law to provide for the special protection in respect of civil and revenue litigation of Indian soldiers serving under special conditions, as passed by the Council of State, be taken into consideration."

Sir P. S. Sivaswamy Aiyer (Madras : Nominated Non-Official) : I beg to move :

"That the Bill be referred to a Select Committee under Rule 88 of the Manual of Business."

I do so not because I have developed any special partiality for the procedure of reference to a Select Committee, but because I foresee certain difficulties with regard to the wording of the provisions of this Bill, which I am afraid cannot possibly be satisfactorily dealt with if the Bill were considered at this stage. For the purpose of this motion I am obliged to go into some of the provisions of this Bill to show what the difficulties are which require reference to a Select Committee.

Let me first of all draw the attention of the House to the fact that there are certain amendments of which notice has been given by some Members of the House already. There is something in some of those amendments, though not in all ; but before I go into the subject of those amendments I will refer to one or two other matters connected with the provisions of this Bill.

In clause 7 of the Bill reference is made to cases where a postponement of the proceedings *as against the soldier* is necessary in the interests of justice. *Prima facie*, those words contemplate a case of a proceeding *against* a soldier as defendant ; but having regard to clauses 5 and 6 of

the Bill, it is clear that the Bill contemplates not merely cases where the soldier is a defendant but also cases where the soldier is a plaintiff. He might have filed a suit and left the country under orders of demobilization. It may be necessary then to postpone the proceedings. Even in that case possibly it may be said that the words " proceeding as against the soldier " should be interpreted so as to cover all proceedings as regards a soldier.

Then again as regards clause 10, some of its provisions are unnecessary and economy of drafting might be attained by the omission of sub-clauses (*3*) and (*4*) as proposed by my friend, Mr. Duraiswami Aiyangar, because those provisions are already contained in the Code of Civil Procedure.

It is in regard to clause 11 that I find some difficulty. Clause 11 relates to the exclusion of the period during which a person has been under this special disability, and it refers only to cases in which the plaintiff, appellant or applicant is or has been an Indian soldier. Now, there may be cases in which there is only one plaintiff and he is under disability, and there may be cases in which there are several plaintiff, all being under disability, and cases in which there may be more plaintiffs than one, some being under disability, and others not. It may be construed so as to cover cases of a single plaintiff under disability or a plurality of plaintiffs all under disability. But it does not refer to the cases where, of several plaintiffs, some are under disability and others are not. The sort of provision which ought to be made in connection with a case like that is something on the lines of section 7 of the Limitation Act, where one of several plaintiffs, jointly entitled to sue, is competent to give a discharge in respect of the right or claim. In such a case there is no stoppage of limitation, but in other cases there would be. Section 7 of the Limitation Act itself would not apply to such cases, because it refers to cases of specific disabilities like minority and idiocy. The new disability which is created or recognised by this Bill and provided for, is one which is not contemplated by the Limitation Act. I therefore think it would be desirable to introduce some provision on the lines of section 7 of the Limitation Act to meet the cases of a plurality of plaintiffs or appellants, of whom some are under disability and some are not.

Then, Sir, with regard to some of the amendments which have been suggested, they deserve examination. Some of them deserve to be accepted and others probably are of a controversial character and may not perhaps be acceptable. I do not wish to make any further remarks upon the amendments of which notice has been given by my friends here, but I propose that the Bill be referred to a Select Committee under Rule 88 of the Manual of Business.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittor : Non-Muhammadan Rural) : Sir, I am in entire sympathy with the provisions which have been embodied in this Bill. It is perfectly proper that provisions for the safeguarding of the interests of soldiers employed on military duty should be made. I am sorry to observe that in the Council of State, when the matter came up for discussion, some suggestions were made that in some cases the soldier might purposely go out in order to avoid a decree. I can hardly think of a case where a man, for the sake of avoiding a small debt, would incur the risk of his life and

[Mr. C. Duraiswami Aiyangar.]

go to military duty. Barring these suggestions, I do not believe that the real difficulties of the provisions which have been made under this Bill were considered by the Council of State. I thought I would be too late if I asked for a reference of this Bill to Select Committee, and that it might be thought that it was a dilatory motion, but I am glad the Honourable Sir Sivaswamy Aiyer has taken that function on himself and I entirely support the motion. In doing so I shall also briefly refer to the reasons why I gave notice of certain amendments, without entering into the details of them at this stage. Sir Sivaswamy Aiyer has already made reference to the amendments I have put in, and also said why I wanted the omission of sub-clauses (2), (3) and (4) of clause 10 of this Bill. It is because they are otherwise provided for in the Civil Procedure Code, and there would be no need to expand the legislation unnecessarily. But I might also add that sub-clause (*2*) of clause 10 in this Bill gives liberty to the soldier who has returned from duty to apply for setting aside any decrees which might have been passed against him, but the time limit which is given here might perhaps not be so favourable to him as the time limit which is given to him in article 64, Schedule II of the Limitation Act. Perhaps in some cases that might give him a wider scope of coming to the court to make an application, and I thought that might be a matter for discussion in Select Committee whether that privilege can be retained for him, or whether this restricted privilege in sub-clause (*2*) of clause 10 may alone be enbodied in this Bill. Sir Sivaswamy Aiyer has also made a reference to the principle on which the computation for the period of limitation has to be made. The computation has to be made under clause 11. In this connection I may refer to section 13 of the Indian Limitation Act, which makes it possible for the plaintiff also to wait without filing a suit so long as the defendant is out of British India, and in moving this amendment to this Bill, the point I wished to place before this Assembly was that the amendment proposed is beneficial to the defendant who is a soldier as well as to the plaintiff. The fact is that if a plaintiff comes to court and files a suit for say, Rs. 10,000 against a defendant who is a soldier, the mere fact that he has filed a suit will not enable him to get a decree, but he will have to wait till the soldier returns. It may be that when the soldier returns it is found that he was always willing to pay up the amount, and the question of who is to bear the cost of the suit will have to be considered by the Court. If it falls on the soldier, we are not protecting his interest. If it falls on the plaintiff, then also we are not benefiting either party to the suit. Therefore I wanted, in making this provision, that the time during which the soldier has been employed on military duty shall be excluded from the period of limitation and the benefit may be given both to the plaintiff who has to file the suit as well as the defendant against whom the suit is to be filed. That is the principle on which I make this suggestion. I also concur with the observations of Sir Sivaswamy Aiyer on the other amendment of mine that cases in which the soldier is to be the sole plaintiff or the sole defendant are the cases which properly require protection, and the cases in which there are other persons to safeguard the soldier's interest, as other parties to the suit, may be left alone. If by chance or by collusion the other persons who are expected to support his interests do not do so, but collude with the opposite party, or neglect the conduct of the

claim the law is perfectly clear ; the man who has been defrauded by such a procedure can come to court to have the decree set aside. Therefore this Bill requires slight modification in Select Committee. There may be cases in which a landlord may be put to loss by delaying the suit for rent against the defendant, who might become a soldier. There might also be cases in which his property might have to be kept under attachment so that no alienation may take place pending any decree which may eventually be passed. Such points are proper for a Select Committee to consider, and if these facts are considered by a Select Committee and put in proper shape, it will be easy for an Assembly like this to consider the suggestions put forward by the Select Committee. With these few remarks I heartily support the motion made by Sir Sivaswamy Aiyer.

The Honourable Sir Alexander Muddiman (Home Member) : With reference to Sir Sivaswamy Aiyer's motion, I am quite unable to say that the matter is of an urgent character, and if the House desires a Select Committee, there is no reason why it should not have it. I should like to have passed the Bill this session. I do not quite agree with all that my friend opposite (Mr. Duraiswami Aiyangar) has been saying ; I think there are several things to be said on the other side too ; but if he too wants a Select Committee, I have no objection.

Mr. President : The original question was :

" That the Bill to consolidate and amend the law to provide for the special protection in respect of civil and revenue litigation of Indian soldiers serving under special conditions, as passed by the Council of State, be taken into consideration."

Since when an amendment has been moved :

" That the Bill be referred to a Select Committee."

The question I have to put is :

" That the Bill be referred to a Select Committee."

The motion was adopted.

THE IMPERIAL BANK OF INDIA (AMENDMENT) BILL.

The Honourable Sir Basil Blackett (Finance Member) : Sir, I beg to move :

" That the Report of the Select Committee on the Bill to amend the Imperial Bank of India Act, 1920, be taken into consideration."

This Bill has emerged from the Select Committee very much in the form in which it went to it. There are two amendments down, one in my name, which I propose to deal with when we come to consideration of the Bill, and I will confine myself now to moving the motion.

The motion was adopted.

The Honourable Sir Basil Blackett : Sir, the amendment which stands in my name is :

" That in clause 2, in the proposed section 13-A, for the words ' any company which is a banking company within the meaning of section 13 and of which the capital is divided into shares ' the following be substituted, namely :

' any banking company as defined in section 13 having a share capital which is expressed in rupees in its memorandum of association '."

[Sir Basil Blackett.]

When this Bill was introduced I stated that the Bill applied only to Indian companies with rupee capital. It is my belief that the Bill as it stands applies only to Indian companies with rupee capital. The Honourable Pandit Motilal Nehru in a minute on the Select Committee's Report expresses his opinion that this is the case but that it is well to make clear that the Select Committee in recommending the measure have only companies in view which are Indian companies with rupee capital. I have found it extremely difficult to get a final authoritative statement as to what the present position is, but I have recently received, since I put this amendment down, an opinion from the Solicitor to the Government of Bengal addressed to the Registrar of Joint Stock Companies in Bengal, in which he says that although there is no express provision in the Indian Companies Act as to the particular currency to be adopted, it is assumed that the law and conditions apply to companies registered with rupee currency and that all references in the Act and in the Schedules are references to British Indian currency, and any application to register a company with the capital of any other currency than British Indian would, he thinks, be rightly rejected. That is to say, that in the opinion of the best authority that I have been able to approach, it would not be possible to register a company under the Indian Companies Act except in rupee capital. But that is a matter that could only finally be decided by a law court. In order that I may redeem the pledge that I gave in connection with the Select Committee that this Bill should apply only to companies with rupee capital I desire to move the amendment which stands in my name. It will, I think, not alter the actual position, but it will make it quite clear and beyond doubt that the Bill applies only to companies with rupee capital.

The motion was adopted.

Maung Tok Kyi (Burma : Non-European) : Sir, the principle of the Bill has received almost universal approval, but I think its scope should be a little more extended than is proposed by the Select Committee. I think the benefit proposed to be given by the Bill should not be confined to the banking companies registered under the Indian Companies Act. It should be extended also to co-operative banks established under the Co-operative Societies Act, 1912. The Bill, as it stands, Sir, will not be of material use to Burma, or, for the matter of that, to any province in India except perhaps the United Provinces and the Punjab. Only these two provinces can boast of a number of Indian Joint Stock Banks. In Burma practically no such bank exists, but there are a dozen or so of co-operative banks run by Burmans. I think these co-operative banks should be benefited by this measure, and undoubtedly other provinces which can boast of only co-operative banks but not of joint stock banks, would want to be benefited by this measure also. Let me quote the opinion of the Registrar, Co-operative Societies, Madras. He says :

"The object of the Bill is to make it possible for the Imperial Bank to intervene effectively where it considers it desirable, in order to prevent or mitigate the consequences of a banking or financial crisis. The proposed amendment restricts the contemplated intervention of the Imperial Bank to the case of banking companies as defined in the explanation to section 13 of the Imperial Bank of India Act, 1920. The proposal is, I consider, a step in the right direction, but I do not see why co-operative societies should be excluded from the benefit of the amendment."

Then he goes on to say :

"The Imperial Bank is already interested to a large extent in the co-operative movement and has sanctioned overdrafts to various co-operative Central banks in the Presidency amounting in all to Rs. 42.4 lakhs. There is no likelihood of any financial crisis in the co-operative movement in this Presidency, but it is extremely desirable that if any such financial crisis should unfortunately occur, the Imperial Bank should be in a position to intervene effectively so as to avert or facilitate the winding up of any of our financing banks or other large co-operative societies."

Now, Sir, this opinion is supported by the Government of Madras itself. I think the co-operative banks or People's banks, if I may call them so,—should in a time of financial crisis get help or assistance from the Imperial Bank. In fact I think they have a better claim to it than the banking companies registered under the Indian Companies Act.

Sir, I beg to move my amendment which runs as follows :

"That in clause 2 in the proposed section 13-A, as amended, after the words 'in its memorandum of association' the following be inserted, namely :

'or a co-operative bank established under the Co-operative Societies Act, 1912'."

Mr. President : Amendment moved :

"That in clause 2 in the proposed section 13-A, as amended, after the words 'in its memorandum of association' the following be inserted, namely :

'or a co-operative bank established under the Co-operative Societies Act, 1912'."

The Honourable Sir Basil Blackett : Sir, this amendment was considered in the Select Committee and was not adopted. I should be the last person to do anything to hamper or refuse to do anything that would assist the growth of the co-operative movement in India. In my opinion it is one of those movements which bears within it the germs of very great things for India, in that it is one of the means by which the habit of small savings and the investment of small savings is being encouraged, and by which the small man in India, in particular the agriculturist, is being protected against his age-long enemy, the money-lender. If therefore I thought that this amendment would in any way assist the movement, I should be the last person to offer any opposition. But I think the amendment is really rather outside the proper scope of this measure. This measure is a measure of a very restricted character, designed to enable the Imperial Bank to intervene effectively not for the benefit of any bank in particular or the shareholders of any bank or the depositors of any bank but, if it can do so, to prevent the occurrence of a financial panic or to mitigate its consequences. It is therefore not very germane to this subject that the question of the co-operative banks should be brought into connection with the Bill. The co-operative banking system is not liable to suffer from the sort of general panic that this Bill has in mind. It is more in a case of famine or something of that sort that the co-operative banks might find themselves in need of some kind of assistance. Now co-operative banks are registered under special Acts ; they are not registered under the Indian Companies Act, and they have as a rule a special relation to Government ; and although I do not for a moment desire to arouse a controversy with Sir Sivaswamy Aiyer as to whether it is ever proper for Government to prevent a financial panic or to assist a bank, I do think that if co-operative central banks or a particular co-operative bank found itself in trouble in connection with famine or some visitation from Heaven of that sort, it would be for the Government to consider intervention rather than for the Imperial Bank of India to come in and to come in under circumstances in which it would, though probably not to a very large amount, have to lock up its assets in rather doubtful security. The

1 P.M.

[Sir Basil Blackett.]

co-operative movement will not I think lose anything by being left outside of this Bill. I have a further reason for not desiring to accept the amendment which is moved, and that is that Co-operative Societies is a Provincial subject. All the Provincial Governments have been consulted on this Bill. The Government of Burma, from which province the Honourable the Mover of the amendment comes, does not support this amendment, and only the Government of Madras supports it, but the other Provincial Governments do not do so. We could hardly therefore I think agree to this amendment without going back to the provinces and asking them specifically.....

Maung Tok Kyi : Have the Government of Burma been consulted on this point ?

The Honourable Sir Basil Blackett : The Government of Burma were consulted, as were all the other Governments, on the general question of this Bill. The question of Co-operative Societies was raised only by the Government of Madras. The Government of Burma presumably considered when they were considering this Bill whether or not they should suggest the inclusion of Co-operative Societies, but I would suggest that the Government of Madras in making this proposal were really considering something that is not quite within the original intention of this Bill, and that we should do better to confine the measure to joint-stock banks and the kind of banking to which the Government intended it to apply and not introduce the somewhat extraneous question of assistance to the co-operative movement.

Kumar Ganganand Sinha (Bhagalpur, Purnea and Santhal Parganas: Non-Muhammadan) : I rise on a point of information. I want to know whether the attention of the Select Committee has been drawn to the opinion of the Honourable Mr. Justice Kumaraswamy Sastri, the last paragraph of which runs as follows :

"A question arose in a recent case before me as to how far the order and disposition clause of the Insolvency Act applied to cases where the Imperial Bank lent monies on the security of the assets of a limited Company which went into liquidation but possession was not taken. I was of opinion that the section would not apply. I think it much better to make this clear."

In the Report submitted by the Select Committee I do not find any mention of this point, and I want to know.....

Mr. President : Order, order. Do I understand that the Honourable Member is referring to this amendment, regarding co-operative banks ?

Kumar Ganganand Sinha : No, Sir.

Mr. President : Then the Honourable Member is not in order on this amendment. He can make those remarks at the stage when the question "that the clause stand part of the Bill" is put.

Diwan Bahadur M. Ramachandra Rao (Godavari *cum* Kistna : Non-Muhammadan Rural) : Sir, I am not quite sure whether the Honourable the Finance Member's reasons for not accepting this amendment are quite correct. I see from what he stated that the Government of Madras has put forward a proposal supporting this amendment. I may say, Sir, that in Madras central co-operative banks and banking units do a great deal of business with the Imperial Bank. They keep their reserves with the Imperial Bank, and they have very large overdrafts amounting to several lakhs of rupees, and the growth of the banking units in districts is very largely dependent now on the

security which they have in funding their reserves with the Imperial Bank. Sir, knowing to some extent that the growth of this movement is dependent very largely upon the security involved in the relation of the co-operative central banks with the Imperial Bank, I submit, Sir, that the amendment is perfectly sound. I do not see why my Honourable friend proposes to give the benefit of this amendment only to banks which are registered under the Indian Companies Act. Co-operative banks do banking business and help the masses and are equally banking institutions, though of a specialised character. Therefore I think this distinction which is sought to be drawn between banking societies which have been registered under the Indian Companies Act and those registered under the Co-operative Societies Act does not seem to me to touch the question. A co-operative central bank is equally a bank and there may be difficulties from which it is necessary to relieve it. So in these circumstances, looking at the fact that the Government of Madras, which knows something about the co-operative movement in that part of the country, have supported the proposal, I submit, Sir, that, unless the Honourable the Finance Member is willing to point out any difficulties in regard to this matter, we should support this amendment.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) : Sir, I am afraid there is a little misapprehension in this matter and especially with regard to the points of view urged by my Honourable friend, Mr. Ramachandra Rao. As the Honourable the Finance Member pointed out in the course of his remarks, the primary interest in co-operative banking is the interest of provincial Governments and in case of any contingency of the nature indicated by my Honourable friend, Mr. Ramachandra Rao, it would be for the provincial Government to have the affairs of any such co-operative banking institution examined by the Registrar, Co-operative Societies who is specially, my Honourable friend will realise, retained by the provincial Government for the purpose of watching the operations of co-operative institutions. On that being done and adequate security being put before the Imperial Bank, I do not think that the necessity of inclusion of co-operative banking in this Bill would arise at all. I submit, Sir, that co-operative banking institutions do not suffer in the least by not being included in the amendment Bill under consideration ; and I go further and say that even if co-operative banking institutions were so included, the Imperial Bank could do nothing without the Local Government coming to the help of a co-operative banking concern in a province and moving the Imperial Bank to render such help as may be necessary. The Honourable Diwan Bahadur has himself said that the Imperial Bank at present have large dealings with co-operative banking institutions. Indeed, as local director of a branch of the Imperial Bank I know how much interest the Imperial Bank takes in the development of co-operative banking. That does not necessarily make it incumbent on this Assembly to include the co-operative banks in this amendment Bill, because the underlying principle on which the Government have introduced this Bill is to my mind somewhat as follows, it is for banks, joint stock banks registered under the Indian Companies Act, which have no other banking except their own capital and whose credit, if at all shaken, may lead to other results, which it is the intention of the Government of India to prevent. I submit, Sir, that if that principle is accepted by this House—and it has been already accepted—co-operative banking institutions do not come within the purview of the results which the Government

[Sir Purshotamdas Thakurdas.]

of India wish to avoid by this amendment, if passed, and I therefore hope that the House will not press this amendment. I will only say that this point was very fully discussed in the Select Committee at the instance of one of my esteemed friends from Madras, Diwan Bahadur Rangachariar, and it was resolved then not to include this point after full satisfaction of my friend and of others who think along with him. I may say further that if I felt myself in the slightest degree that co-operative banks would benefit in the least by this inclusion, I would have been the first to include this point in the Select Committee.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : Sir, as one who has had a great deal to do with the management of the Central Bank in Madras, I put forward this suggestion in the Select Committee whether it would not be useful if we extended the protection to central co-operative banks. But it was pointed out on the Select Committee that co-operative banks are worked altogether on a different method and under effective supervision and assistance of Government. It was pointed out, for instance, that liquidation proceedings under the Co-operative Societies Act are done altogether on a different style from the ordinary liquidation proceedings applicable to joint stock banks ; and there are Government Inspectors who go about inspecting the work of these banks. Government have frequent consultations and there is a Registrar of Co-operative Societies who frequently calls conferences of the various co-operators and these matters are carefully considered. In fact, the co-operative movement is worked on the personal credit of the people. In fact it is on the unlimited credit of the people. Having regard to these principles in view, the question we considered was whether it was necessary to include this movement within the scope of the Bill, not as my Honourable friend would have it, whether it would do any harm if we included the Societies. The question was whether it was necessary that they should have the protection afforded by this Bill. On full consideration, we came to the conclusion that it was not necessary. At any rate, there will be various co-operative conferences held in the next few months and this question has been started and I am sure if really there is a need they will consider this as one of the points in the co-operative conference ; if there is a volume of opinion coming forward that the protection afforded by this Bill should extend to them also, I am sure then that the Government would consider the advisability of amending the Act. For these reasons, Sir, I consider the amendment as unnecessary, and if necessary, it may be brought forward later on.

Sir P. S. Sivaswamy Aiyer (Madras : Nominated Non-Official) : Sir, the reasons which have been given by my Honourable friend, Sir Purshotamdas Thakurdas and Diwan Bahadur T. Rangachariar, fail to convince me that the amendment is undesirable. They have said that co-operative institutions specially enjoy the favour and protection of the Local Governments and that there is hardly any need for giving any protection to them under this Bill. Now, it is quite conceivable that there may be cases where a co-operative central bank may require financial aid and it is also quite likely that the Imperial Bank may go to the help of a co-operative bank in need of financial help. Merely because the Local Government is likely to assist the co-operative banks or the Imperial Bank is likely to assist, it does not follow that a provision enabling the Imperial Bank to assist a co-operative bank is superfluous or mischievous or undesirable. No argument has been brought forward to show that the help of the

Imperial Bank in some crisis affecting a central co-operative bank would do any harm. What has been said is that the purpose of this Bill is that it should be confined to those institutions which cannot look to any other bank or cannot look for assistance to other institutions. But is that a very rigid or definite test ? Can you say of any bank that it has no backing at all or that it cannot possibly look for help to any other bank ? The mere fact that co-operative banks enjoy to some extent the protection of the Local Government is really no reason at all for not including them within the purview of this Bill. I am, therefore, in favour of accepting this amendment.

Mr. Jamnadas M. Mehta (Bombay Northern Division : Non-Muhammadan Rural) : Sir, I also am inclined to oppose the amendment of my Honourable friend, Maung Tok Kyi; not because I am not in sympathy with co-operative banks, nor because I do not like to give them the protection that may be necessary, but because there seems to be a misapprehension that as a result of this amendment of the Imperial Bank Act, the ordinary power of the bank to lend money on other securities is taken away. Let there be no such misunderstanding. The Imperial Bank retains all its powers to lend money on other securities and the co-operative banks can still take advantage of the normal provisions of the Imperial Bank Act to get financial assistance whenever they require. There is nothing to prevent them from doing so under this Bill. What is contemplated in this amending Bill is this. These co-operative banks are not subject to the same amount of crises to which ordinary banking institutions are. The co-operative banks cater for a particular class under certain well recognised limitations. They do not do the ordinary banking business which other banks do. They are not liable to the same risks to which these banks are exposed ; and even when they are in difficulty, there is not likely to be a financial crisis, as when an ordinary Bank is in difficulty. That is the basis of this Bill, not a desire to exclude the co-operative banks, but to extend the measure only to those banks which are liable to a crisis of the kind described above and which is associated with the Alliance Bank of Simla. Co-operative banks cannot possibly be exposed to a risk of that character and the normal powers of the Imperial Bank are there available for all those who require assistance and can give securities of the kind which the Imperial Bank Act requires. Therefore, there is no necessity of extending this Bill to co-operative banks, not because co-operative societies are in any sense regarded as institutions not deserving of public support, but because they cannot possibly require any support of this character. Therefore, no good can be done by extending this Bill to the co-operative banks and it will be an unnecessary extension of the scope of the Bill to do so. The original provision is all right as it stands. In conclusion, I might say, Sir, that the Honourable Sir Basil Blackett was not right in describing the *sahukar* as the age-long enemy of the *raiyat*. The enemy of the *raiyat* is the Government. I am not a *sahukar* myself, but I know that the real trouble of the *raiyat* has been the over-assessment with which the Government is associated and not the *sahukar*.

Mr. Darcy Lindsay (Bengal : European) : I move, Sir, that the question be now put.

Mr. K. Rama Aiyangar (Madura and Ramnad *cum* Tinnevelly : Non-Muhammadan Rural) : Sir, I am one of those who have been connected with the co-operative movement ever since its inception in Madura and

[Mr. K. Rama Aiyangar.]

therefore it would not be right on my part not to take part in this discussion. The points that have been urged by the Honourable Sir Basil Blackett are, no doubt, true. I know that in Madura in respect of the Kallar Societies about a lakh and a half had been locked up. In fact, the Government examined the whole position and appointed a Kallar officer, themselves took charge of the dues of the Kallar Societies and paid the bank the whole of the amount, about Rs. 1,35,000 or so. There is no doubt that the co-operative banks are in a peculiarly good position. But what is being done now is that the Government want to retrace and, as far as possible, transfer the burden wholly to the non-official agencies. The co-operators also feel that in course of time that ought to be so and it will not be well for them to depend very much upon the Government, except in respect of audit and to take upon themselves the whole burden and see that they get on all right. It is not likely that the banks will really come to any crisis. But the question is whether a similar situation as had arisen in the case of the Kallar Societies in Madura might not arise again. In fact, the ordinary period for which loans are now being dispersed range from one to five years and it has been suggested that there should be long-term loans, given to enable the poor *raiyats* to redeem themselves fully from the clutches of the moneylender and, this cannot be done until long term loans ranging from 7 to 10 years are given. It is just likely that the Imperial Bank will have the occasion, if not to redeem them from insolvency, to actually help them, at least to get over the crisis where the members by adversity of seasons delay payment. It may be that they just enable them to keep on. It has been suggested, and it might well be argued whether that power of the Imperial Bank is taken away by this Bill. But there is no force in the argument that this is outside the scope of the Bill. In fact, the original Imperial Bank Act is now being amended and a particular provision is being added to it in order to give power to the Bank for a certain purpose. Why should it not be extended to the Co-operative Banking Unions also is the only point that arises. What is the harm that is done by it ? I do not think that the principle of amending the Act will not include such amendments as will also include assistance to Banking Unions, which, as I said, must in course of time get the help which is now being rendered by the Government. I, therefore, think that on the whole no harm is done by adding this provision.

Mr. M. S. Aney (Berar Representative) : Sir, it is no use arguing this matter with great care, for they—my Honourable friends from Bombay—have always enjoyed the credit that they are business men. In the present case, at any rate, Mr. Jamnadas Mehta has tried to make a distinction between co-operative banks and other banks to which the benefit of this Bill is going to be extended for the purpose of excluding the Co-operative banks from this Bill ; but I fail to find if there was any real point of distinction at all. If there is a crisis in the commercial banks or agricultural banks, the Imperial Bank is empowered to extend its assistance to them. Because the agricultural banks, for the time being, are under certain control of the official Government, that fact ought not to stand in the way of the Imperial Bank to help these agricultural banks. Had the principle been that the relief to be extended is only meant for such banks over which the Imperial Bank has certain control, these distinctions would have had some ground. But that is not the principle. The principle is to encourage banking and allow the banks to carry on their

work without coming to a crisis. The bank which exclusively concerns itself with the business amongst the agriculturists ought to get benefit along with other banks and therefore there is absolutely no reason to reject the amendment.

Mr. President : The original question was :

" That clause 2 do stand part of the Bill."

Since which an amendment has been moved :

" That in clause 2 in the proposed section 13-A, as amended, after the words ' in its memorandum of association ' the following be inserted, namely :

' or a co-operative bank established under the Co-operative Societies Act, 1912 '."

The question I have to put is that that amendment be made.

The Assembly divided :

AYES—46.

*Abdul Karim, Khwaja.	Kelkar, Mr. N. C.
Abhyankar, Mr. M. V.	Lohokare, Mr. K. G.
*Abul Kasem, Maulvi.	*Mahmood Schamnad Sahib Bahadur, Mr.
Aiyangar, Mr. C. Duraiswami.	Malaviya, Pandit Madan Mohan.
Aiyangar, Mr. K. Rama.	Misra, Pandit Shambhu Dayal.
Aiyer, Sir P. S. Sivaswamy.	Misra, Pandit Harkaran Nath.
*Alimuzzaman Chowdhry, Mr.	Nambiyar, Mr. K. K.
Aney, Mr. M. S.	Narain Dass, Mr.
*Badi-uz-Zaman, Maulvi.	Nehru, Pandit Shamlal.
Chaman Lall, Mr.	Patel, Mr. V. J.
Das, Mr. Bhubanananda.	Ramachandra Rao, Diwan Bahadur M.
Das, Mr. Nilakantha.	Ray, Mr. Kumar Sankar.
Dutt, Mr. Amar Nath.	Reddi, Mr. K. Venkataramana.
Fleming, Mr. E. G.	*Samiullah Khan, Mr. M.
*Gazzanfar Ali Khan, Raja.	Sarda, Rai Sahib M. Harbilas.
*Ghulam Bari, Khan Bahadur.	*Shafee, Maulvi Mohammad.
Gour, Dr. H. S.	*Shams-uz-Zoha, Khan Bahadur M.
Govind Das, Seth.	Singh, Mr. Gaya Prasad.
Hans Raj, Lala.	Sinha, Mr. Ambika Prasad.
*Jeelani, Haji S. A. K.	Sinha, Kumar Ganganand.
Joshi, Mr. N. M.	Syamacharan, Mr.
Kartar Singh, Sardar.	Tok Kyi, Maung.
* Kazim Ali, Shaikh-e-Chatgam Maulvi Muhammad.	Venkatapatiraju, Mr. B.

NOES—45.

Abdul Qaiyum, Nawab Sir Sahibzada.	Lloyd, Mr. A. H.
Ahmad Ali Khan, Mr.	Mehta, Mr. Jamnadas M.
Ahmed, Mr. K.	Moncrieff Smith, Sir Henry.
Ajab Khan, Captain.	Muddiman, The Honourable Sir Alexander.
Akram Husain, Prince A. M. M.	Mutalik, Sardar V. N.
Bhore, Mr. J. W.	Nag, Mr. G. C.
Blackett, The Honourable Sir Basil.	Neogy, Mr. K. C.
Burdon, Mr. E.	Parsons, Mr. A. A. L.
Calvert, Mr. H.	Purshotamdas Thakurdas, Sir.
Chalmers, Mr. T. A.	Raj Narain, Rai Bahadur.
Chatterjee, The Honourable Mr. A. C.	Rangachariar, Diwan Bahadur T.
Cocke, Mr. H. G.	Rushbrook-Williams, Prof. L. F.
Crawford, Colonel J. D.	Sams, Mr. H. A.
Duval, Mr. H. P.	Sastri, Diwan Bahadur C. V. Visvanatha.
Ghose, Mr. S. C.	Setalvad, Sir Chimanlal.
Gidney, Lieut.-Colonel H. A. J.	Singh, Rai Bahadur S. N.
Hezlett, Mr. J.	Sykes, Mr. E. F.
Hira Singh, Sardar Bahadur Captain.	Tonkinson, Mr. H.
Holme, Mr. H. E.	Tottenham, Mr. G. R. F.
Hudson, Mr. W. F.	Vishindas, Mr. Harchandrai.
Hussanally, Khan Bahadur W. M.	Webb, Mr. M.
Innes, The Honourable Sir Charles.	Wilson, Mr. R. A.
Lindsay, Mr. Darcy.	

The motion was adopted.

Mr. President : The question is :

" That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Mr. President : The question is :

" That clause 1 do stand part of the Bill."

The motion was adopted.

Mr. President : The question is :

" That the Title and Preamble of the Bill do stand part of the Bill."

The motion was adopted.

The Honourable Sir Basil Blackett : Sir, in view of the amendments that have been made I do not desire to move at the moment that the Bill be passed.

THE INDIAN SOLDIERS (LITIGATION) BILL.

Sir P. S. Sivaswamy Aiyer (Madras : Nominated Non-Official) : I beg to move :

" That the Select Committee to consider the Bill to consolidate and amend the law to provide for the special protection in respect of civil and revenue litigation of Indian soldiers serving under special conditions do consist of the following members :

The Honourable Sir Alexander Muddiman,
Mr. C. Duraiswami Aiyangar,
Captain Ajab Khan,
Sardar V. N. Mutalik,
Mr. K. C. Neogy,
Mr. Harbilas Sarda,
Captain Hira Singh, and
myself,

and that the number of members necessary to constitute a meeting of the Committee shall be four."

The motion was adopted.

The Assembly then adjourned for Lunch till Twenty Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Twenty Minutes to Three of the Clock, Mr. President in the Chair.

THE INDIAN MOTOR VEHICLES (AMENDMENT) BILL.

Mr. H. Tonkinson (Home Department : Nominated Official) : Sir, I move :

" That the Bill further to amend the Indian Motor Vehicles Act, 1914, for certain purposes, as passed by the Council of State, be taken into consideration."

Sir, I think it will be unnecessary for me to detain the House for long in explaining the provisions of this very simple measure which has been passed by the other House. Under the provisions of sub-section (2) of

section 11 of the Motor Vehicles Act, Local Governments have power to make rules to provide, amongst other things, for the registration of motor vehicles, and further for the area in which certificates of registration shall be valid. The Bill proposes, Sir, to extend this provision so as to enable Local Governments also to prescribe the periods for which such certificates of registration shall be valid. It will, of course, if this Bill becomes law, be possible for Local Governments, having regard to the circumstances prevailing in particular areas, or to the nature of different motor vehicles to prescribe different periods for different cases. As far as the principle of the Bill is concerned, I take it that the House will agree that it is very desirable, in the interest of the control of traffic in the large cities of India, that we should have power to secure the re-registration of motor vehicles. Let me inform the House of the report which we received from the Commissioner of Police in Bombay on this subject.

For the period from about 1915 to 1923, there was a rule in force in Bombay which required annual re-registration of motor vehicles. In regard to this rule the Commissioner of Police reports :

"Prior to the introduction of this rule, the department had no means of ascertaining where cars were, and on the introduction of the rule over 2,000 entries of cars on the register had to be cancelled as they could not be traced. This Department's registers were therefore absolutely unreliable. If a certain motor vehicle was involved in an accident, and it was decided to prosecute the owner or the driver, it was no uncommon occurrence to receive a reply from the registered owner, on being asked for the name and address of the driver, that he had sold the car years or months ago ; that he knew neither the name nor the address of the present owner. This caused a considerable amount of correspondence and delay, and in many cases, prosecutions had to be dropped altogether owing to the delay or the fact that the motor vehicle could not be traced."

Well, Sir, in Calcutta at the present time there is a rule in force under which heavy motor vehiles and taxi-cabs are required to be re-registered annually. There is a similar rule with regard to particular classes of motor vehicles in Madras. So far as I am aware the legality of the rule has never been questioned in Madras, and it certainly has not been questioned in Calcutta. In Bombay on the other hand in the case referred to in the Statement of Objects and Reasons it was held by the Bombay High Court that the rule was *ultra vires* of the Local Government. It is, this defect, or at any rate what we regard as a defect, which we propose to remedy by this Bill. Sir, I make the motion.

The motion was adopted.

Mr. President : Clause 2 : the question is that clause 2 stand part of the Bill.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor : Non-Muhammadan Rural) : I think, Sir, the Honourable Member must have received the amendment which I sent in in connection with clause 2.

Mr. H. Tonkinson : I received this amendment at about 12 o'clock to-day. I therefore desire under Standing Order No. 46 to take objection.

Mr. President : The Honourable Member wishes to take objection on the ground of notice ?

Mr. H. Tonkinson : Yes, Sir.

Mr. President : On that ground I must uphold the objection.

Mr. C. Duraiswami Aiyangar : If the Honourable Member will hear the nature of my amendment, perhaps he will see whether it is necessary

[Mr. C. Duraiswami Aiyangar.]

to take objection. The simple amendment which I suggested was that as the difficulty occurs in large cities like Calcutta, Bombay and Madras, this provision should not be extended to small mofussil stations, where there is a population of less than one lakh of people. I suggested that in cities with a population not exceeding one lakh according to the latest census, vehicles once registered in a particular area need not be re-registered in that area. I do not think the Government will be particular in taking objection to this if they can provide for such small exceptions in small stations.

Mr. H. Tonkinson : Sir, I thought it advisable in order to shorten the proceedings, to take objection under Standing Order 46. I think, Sir, it is quite impossible to accept the amendment which has been moved by Mr. Duraiswami Aiyangar. This is a matter which, as I explained in moving that the Bill be taken into consideration, Local Governments would be quite competent to deal with under the Bill as proposed, and I do not imagine that they are likely in very small places to require re-registration.....

Mr. President : The Honourable Member is now proceeding to deal with the merits of the amendment which has not yet been moved. I understood that, on grounds of shortness of notice, he was not prepared to deal with the amendment, but if he proceeds on these lines, I shall have to allow Mr. Duraiswami Aiyangar to move.

Mr. C. Duraiswami Aiyangar : According to the ruling of the Chair, I beg to move an amendment to clause 2 by adding a proviso to it :

"Provided that in the case of cities with a population not exceeding one lakh according to the latest census, vehicles once registered in a particular area need not be re-registered in that area."

I submit, Sir, that in the case of persons who want to go to the luxury of a motor car it would not be proper for me to plead for any exemption at all, whether it is in a small or a big area. Of course it is a tax which falls upon rich people and I dare say it is not only a measure for the purpose of securing traffic but also in a way a revenue measure. But whatever it may be, I would be the last to object to any tax being laid on rich people ; at the same time, considering the hardships which owners of motor cars in small stations have to go through, namely, so many prosecutions, two of which I have myself experienced so far as my chauffeur was concerned, prosecutions based on several circumstances, if this additional encumbrance is also added to them, I think, Sir, that it is a matter which ought to appeal to this Assembly. In small places with a population of less than a lakh, with say, 40 or 50 thousand inhabitants, there is no difficulty in securing the safety of traffic. I would therefore appeal to the Government Member himself to accept this amendment. I think it is better, instead of leaving it to Local Governments for regulating this matter by their own rules, that this Assembly should recognize that such cases deserve special treatment, and declare that in cases where the car is one registered in a particular area it need not be re-registered in that particular area unless there is any change of owners. I think that all interests will be safeguarded in that case, and there is ample room in the Act itself for making the provision that if there is a change of owner both the seller and purchaser must intimate the fact to the local authorities, the Superintendent of Police, etc., so as to ensure there being no difficulty in finding the owner of a particular car.

Therefore I appeal to this Assembly and the Government Member particularly that these small places at least should be exempted by a provision in the Act itself.

Mr. President: Amendment moved :

"To clause 2, the following proviso be added :

'Provided that in cities with a population not exceeding one lakh according to the latest census, a motor vehicle once registered in that area shall not be re-registered'."

The question is that that amendment be made.

The motion was negatived.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

Mr. H. Tonkinson: Sir, I move that the Bill be passed.

The motion was adopted.

THE INDIAN CRIMINAL LAW AMENDMENT BILL.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I beg to move :

"That the Report of the Select Committee on the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, for the purpose of affording greater protection to persons under the age of eighteen years, be taken into consideration."

Sir, there are two main points in the Report of the Select Committee which is now before the House. The first is that by which the Bill as introduced has been deprived of two clauses, 6 and 7, which it was proposed to insert in the Code of Criminal Procedure. Those clauses contained provisions enabling Magistrates to rescue minor girls and make them over to suitable guardians. The Select Committee, before I was a member of that Committee, had decided that these clauses would be inappropriately placed in the Criminal Procedure Code. I agree in that view and the Committee have reported as follows :

"We think that adequate and satisfactory provision could only be made by a separate measure containing provisions similar to those of the English Children Act of 1908, and we strongly recommend that a Bill on those lines should be presented to the Legislature."

That is my own personal view also. The history of these provisions is a very long one. I think it was nearly 10 years ago that I myself drafted a Bill over which my Honourable friend the Pandit and I fought for many days, I think on these very same or very similar provisions. Once those provisions are omitted the actual Bill before the House for consideration is a very short one. I will call the attention of the House only to two points.

The most important I think is the question of the *Explanation* which saves certain irregular unions which do not amount to legal marriages from the operation of the law. The Committee came to the conclusion that the test they should apply was that the union in question should be recognized by the personal law or custom of the communities, or where the persons concerned belong to different communities that it should be recognized by the personal law or custom of both communities. That is one important point.

[Sir Alexander Muddiman.]

The other point is the insertion in sections 372 and 373 of the words "at any age". The object of the insertion of those words is so obvious that I need not have drawn the attention of the House to the fact.

There remains the question whether the amendment in section 552 of the Criminal Procedure Code, which Honourable Members are aware gives power to a District Magistrate to direct the restoration of a girl to suitable custody, should be further widened. The present age specified in that section is 14. The Committee proposed to make it 16. It leaves the position much as it was before. The age under the main clauses of the Bill which was 16 has been raised to 18. The age under section 552 was 14 and we propose to raise it to 16. I notice that there is an amendment on the paper by a member of the Committee that we ought to go further and raise it to 18. It is said in his minute that we are only following an anomally in the law as it stands which makes a difference of two years between these sections. That is to say, having raised the first to 18 we should bring the second into line and put it up to 18. My personal view is that I do not desire District Magistrates to have more of these cases to try than necessary. The more we raise the age the greater the number and the greater the difficulty. Cases of this sort would normally in other countries probably be dealt with by suits for restitution of conjugal rights. I am not myself in favour of police court proceedings being made the usual remedy. I should therefore prefer to keep the age as the Committee have done, at 16. There is another point. The Children's Bills, the Madras Children's Bill and I believe the Bombay Children's Bill also lay down 16 as the age for court custody in these cases, and I think that is also a point that should be borne in mind.

I do not think there is any other point of importance in the Report. I will leave the Honourable Members who have set down amendments to develop the other questions they raise. I would merely say that the Bill seems to me to go as far as it ought to in this respect. We have to be cautious in these things and we cannot press them too far.

I make the motion, Sir.

The motion was adopted.

Clause 2 was added to the Bill.

Khan Bahadur Ghulam Bari (West Central Punjab : Muhammadan) : Sir, before I discuss this question I want to lay before the House an omission due to a slip of my pen for which the press is not responsible. In my amendment No. 3 I wanted to amend section 373 of the Indian Penal Code as well as the *Explanation* under clause 4, but by a slip the words "section 373 of the Indian Penal Code" were left out. All these amendments are so closely connected as to make the same one whole and, moreover one amendment follows the other and really they are the same in principle. I laid this matter before the Honourable the President and he allowed me to discuss that omission as well, as if it was there. So in that way my amendment No. 3 would run :

"In section 373 of the Indian Penal Code, and in clause 4, *Explanation I* to section 373 of the Indian Penal Code, after the word 'hires' the words 'engages in service' should be inserted."

I beg to submit with regard to the main question that the object of this Bill is patent enough. Everybody knows that immoral people, prostitutes and keepers of brothels manage somehow or other to take hold of underage

girls in order to use them as prostitutes at the proper time. It is the object of this Bill to stop that state of affairs. It is a very noble idea and a very noble object, and I must congratulate the Mover on that. Then the real question to be considered is whether the Bill as framed fulfils the object, and if not, what are the defects, and if it really does not fulfil the objects in view, the Bill if passed would really defeat the very object and would leave the Act a dead letter. I therefore beg to lay before you sections 372 and 373 of the Indian Penal Code. Section 372 runs as follows :

"Whoever sells, lets to hire or otherwise disposes of any minor under the age of sixteen years with intent that such minor shall be employed or used for the purpose of prostitution or for an unlawful and immoral purpose, or knowing it to be likely that such minor will be employed or used for any such purpose, shall be punished with imprisonment, etc., etc."

This section refers to people who sell girls ; while the other section refers to those people who purchase girls or take them in that way. Section 373 says :

"Whoever buys, hires or otherwise obtains possession of any minor under the age of sixteen years with intent that such minor shall be employed or used for the purpose of prostitution, or for any unlawful or immoral purpose, or knowing it to be likely that such minor will be employed or used for any such purpose shall be punished with imprisonment, etc., etc."

Along with these sections I will lay before you the *Explanations* which are proposed to be added to these two sections. The proposed *Explanation* to section 372 runs thus :

"When a female under the age of eighteen years is sold, let for hire, or otherwise disposed of to a prostitute or to any other person who keeps or manages a brothel, the person so disposing of such female shall, until the contrary is proved, be presumed to have disposed of her with the intent that she shall be used for the purpose of prostitution."

Then *Explanation* I to clause 373 runs as follows :

"Any prostitute, or any person keeping or managing a brothel, who buys, hires or otherwise obtains possession of a female under the age of eighteen years shall, until the contrary is proved, be presumed to have obtained possession of such female with the intent that such female shall be used for the purpose of prostitution."

Now I lay before you another case. You have seen the conditions, the essentials of these sections and these *Explanations*, and the result of these would be that on account of a very big loophole those people would go on with their trade, ostensibly showing that it is simply a case of service. Every person would take the greatest precaution to show by means of bonds, documents, and in every other way possible, that the minor girl which they have obtained, they have obtained simply as a maid-servant, and for no other purpose. So unless we include the case of their taking minor girls as servants with any intent they would continue their trade showing that the girls were their servants and that would be beyond the scope of these provisions. This Bill, if passed without these amendments, would prove to be nothing, and these people would get off scot-free from punishment, and there would be no legal presumption against them as regards their criminal intention. So I propose that in these sections the addition be made of those words which I have given in my amendment so as to include the case of servants also. Some people may be inclined to think that it would be very hard for such people, immoral though they be, to deprive them of the services of maid-servants. But I would submit that we are going to keep young girls away from those immoral, corrupt and contaminating influences ; if you allow, on the other hand, that these immoral people may get

[Khan Bahadur Ghulam Bari.]

young girls as servants, and young girls can be given to them in services, it would be simply defeating the objects of the Bill. We want to deprive them of the recruitment of would-be prostitutes, but if you allow them to obtain them as servants, you would be letting them have the same thing. Moreover, you can look for yourselves,—if you allow minor girls to go into the service of immoral people they can very well take a contract for three years' service, which is valid according to law. After three years' service with these people and after living with them for so long a time, what would they become ? Nothing but prostitutes. It would be objectionable in every case and from every point of view, to allow them service of underage maid-servants, and would be really defeating the objects of this legislation. So my amendment is that we must insert those words which are prescribed in my motion in sections 372, 373 as well as in the *Explanations* which are to be added to these sections. Unless we do that, I think it would be useless trouble to pass this Bill and it would be simply a waste of time. This much I have said for my amendments except the last one.

With regard to the last amendment, I would submit that in sections 372 and 373 of the Indian Penal Code and section 552 of the Criminal Procedure Code, as they existed previously, there was a difference of two years.

Mr. President : Do I understand the Honourable Member is now referring to the change in the age in section 552 ?

Khan Bahadur Ghulam Bari : Do I understand that the Honourable the Home Member accept that ?

Mr. President : I am not concerned with what the Government accept or do not accept, I have allowed the Honourable Member to discuss three amendments together because they raise substantially the same question, but now that he has come to the question of the age in section 552 of the Criminal Procedure Code, he is coming to a different question which he must discuss under his own amendment. He cannot discuss that now. I am merely asking the Honourable Member to reserve his remarks about the raising of the age under that section till the moment when he will be allowed to move that amendment.

Amendment moved :

"In clause 3, in the proposed *Explanation I* to section 372, after the words 'let for hire' the words 'given in service' be inserted."

Khan Bahadur Sarfaraz Hussain Khan (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, I rise to support the amendment moved by my Honourable friend Khan Bahadur Ghulam Bari. In my opinion, if the section remains as it is, there will be opportunity for persons disposing of girls to find a loophole. A girl might be disposed of to a person *bona fide*. The section as it stands, reads :

"When a female under the age of eighteen years is sold, let for hire or otherwise disposed of to a prostitute or to any person who keeps or manages a brothel, the person disposing of such female shall, until the contrary is proved....."

The words "until the contrary is proved" may give the man some loophole of showing that he sold the girl not for immoral purposes, but for service. But it can very well be understood that if the girl goes and lives

with a prostitute, the immoral surroundings will be such that she cannot but succumb to those influences, and in the end the girl might become a prostitute. I do not think it is at all fair that, when we are legislating in regard to this matter, that legislation should be such as to give this loophole. In all cases, the accused must be given the right to defend himself thus giving him an opportunity of proving his innocence. If you have the words "until the contrary is proved," you will be giving a loophole, and to avoid this, the amendment of my Honourable friend, Khan Bahadur Ghulam Bari, is necessary, so that if a man gives or sells a girl to a prostitute, for whatever purpose it may be, he will be liable to punishment. If that is agreed, then it is necessary to have the words "given in service" also inserted. I hope the House will consider the point that I have raised and I think unless you have the words "given in service," you would not improve matters. The man will find a loophole and the very object of the legislation would be frustrated. With these words, I support the amendment.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, I think the amendment proposed by my Honourable friend Mr. Ghulam Bari might well be accepted. He does not propose to deprive these unfortunate women of services of girls above 18 years. On the other hand, it is a fact that if young women under 18 are allowed to be taken into the service of prostitutes they will be exposed to a very insanitary atmosphere, and after all a prostitute might well be able to engage a girl of over 18 instead of engaging one under that age. The hardship in the case of the prostitute will not be half so serious as the danger to which the girl would be exposed by having to work in the atmosphere of a prostitute's surroundings from morning to evening or during all hours of the day. Therefore, as we are extending protection to girls under 18 in other ways, I hope the Government, the Honourable the Home Member, will see his way to accept this amendment. My main point is that the hardship to the prostitute will not be half so serious as the danger to which young women will be exposed by having to work in the house of a prostitute day after day.

The Honourable Sir Alexander Muddiman : I am surprised, Sir, that my Honourable friend, Pandit Madan Mohan Malaviya, who was a member of the Select Committee and did not sign any dissenting minute is supporting this amendment. I assumed that he shared the view of the rest of the Committee. My own feeling about it is that we have already got a presumption of a serious nature against people who have these girls in their houses, and I am personally not inclined to think it is wise to go too far. It is perfectly true that I am in sympathy with the object the Honourable the Mover of the amendment and the Honourable gentlemen who supported him have in view. But his amendment is going beyond anything we have in the law. We have not taken the opinion of Local Governments on that. I should be inclined to advise the Honourable Member to withdraw his amendment ; if not, I am afraid I must oppose it.

Mr. President : The original question was :

"That clause 3, as amended by the Select Committee, stand part of the Bill."

Since which an amendment has been moved :

"That in clause 3, in the proposed *Explanation I*, to section 372, after the word 'let for hire' the words 'given in service' be inserted."

[Mr. President.]

The question is that that amendment be made.

The Assembly divided:

AYES—27.

Abdul Karim, Khwaja.	Mahmood Schamnad Sahib Bahadur, Mr.
Ahmad Ali Khan, Mr.	Malaviya, Pandit Madan Mohan.
Akram Hussan, Prince A. M. M.	Misra, Pandit Shambhu Dayal.
Badi-uz-Zaman, Maulvi.	Murtuza Sahib Bahadur, Maulvi Sayad.
Belvi, Mr. D. V.	Narain Dass, Mr.
Das, Mr. Nilakantha.	Nehru, Dr. Kishenlal.
Dutt, Mr. Amar Nath.	Patel, Mr. V. J.
Gazzanfar Ali Khan, Raja.	Ray, Mr. Kumar Sankar.
Ghulam Bari, Khan Bahadur.	Sarfaraz Hussain Khan, Khan Bahadur.
Hans Raj, Lala.	Shafee, Maulvi Mohammad.
Hussanally, Khan Bahadur W. M.	Sinha, Mr. Ambika Prasad.
Hyder, Dr. L. K.	Sinha, Kumar Ganganand.
Jeelani, Haji S. A. K.	Tok Kyi, Maung.
Joshi, Mr. N. M.	

NOES—60.

Abdul Qaiyum, Nawab Sir Sahibzada.	Lohokare, Mr. K. G.
Abhyankar, Mr. M. V.	Misra, Pandit Harkaran Nath.
Acharya, Mr. M. K.	Moncrieff Smith, Sir Henry.
Aiyangar, Mr. K. Rama.	Muddiman, The Honourable Sir Alexander.
Aiyer, Sir P. S. Sivaswamy.	Muhammad Ismail, Khan Bahadur Saiyid.
Ajab Khan, Captain.	Mutalik, Sardar V. N.
Aney, Mr. M. S.	Nag, Mr. G. C.
Bhore, Mr. J. W.	Nehru, Pandit Motilal.
Blackett, The Honourable Sir Basil.	Nehru, Pandit Shamlal.
Burdon, Mr. E.	Neogy, Mr. K. C.
Calvert, Mr. H.	Parsons, Mr. A. A. L.
Chalmers, Mr. T. A.	Piyare Lal, Lala.
Chaman Lall, Mr.	Purshotamdas Thakurdas, Sir.
Chatterjee, The Honourable Mr. A. C.	Ramachandra Rao, Diwan Bahadur M.
Cocke, Mr. H. G.	Raj Narain, Rai Bahadur.
Crawford, Colonel J. D.	Rangachariar, Diwan Bahadur T.
Datta, Dr. S. K.	Rushbrook-Williams, Prof. L. F.
Duval, Mr. H. P.	Sams, Mr. H. A.
Fleming, Mr. E. G.	Sarda, Rai Sahib M. Harbilas.
Goswami, Mr. T. C.	Sastri, Diwan Bahadur C. V. Visvanatha.
Gour, Dr. H. S.	Sykes, Mr. E. F.
Hezlett, Mr. J.	Tonkinson, Mr. H.
Hindley, Mr. C. D. M.	Tottenham, Mr. G. R. F.
Hira Singh, Sardar Bahadur Captain.	Venkatapatiraju, Mr. B.
Holme, Mr. H. E.	Vishindas, Mr. Harchandrai.
Hudson, Mr. W. F.	Webb, Mr. M.
Ismail Khan, Mr.	Willson, Mr. W. S. J.
Iyengar, Mr. A. Rangaswami.	Wilson, Mr. R. A.
Jinnah, Mr. M. A.	Yusuf Imam, Mr. M.
Lindsay, Mr. Darcy.	
Lloyd, Mr. A. H.	

The motion was negatived.

Dr. H. S. Gour (Central Provinces Hindi Divisions : Non-Muhammadan): Sir, I beg to move:

"That in clause 3, *Explanation II*, for all the words from the words 'though not amounting to a marriage' to the end of the *Explanation*, the words 'amounts to marriage' be substituted."

Honourable Members will find that I had fully set out my reasons before this Bill went to the Select Committee in favour of this amendment. The *Explanation* is:

"For the purposes of this section 'illicit intercourse' means sexual intercourse between persons not united by marriage or by any union or tie which, though not amounting to a marriage, is recognised by the personal law or custom of the community to which they belong or, where they belong to different communities, of both such communities, as constituting between them a *quasi*-marital relation."

Honourable Members will find that, when this clause was under discussion before it went to the Select Committee, I pointed out that the Legislature is now trying to introduce into the words of the Indian Public Acts a new phrase " *quasi*-marital relation ". Now, I wish to ask what is a *quasi*-marital relation. Unless we are quite clear as to the meaning of this legal concept introduced for the first time in this *Explanation* and of which no satisfactory explanation is forthcoming, I think it is liable to abuse and misconstruction. The clause that I suggest is a simple clause. It says: " Delete the whole of this and substitute ' amounts to marriage '." That is to say, the position that I take up is that either it is a marriage or it is concubinage. There is no intermediate legal position known to the law. Therefore we must either draw the line after the marriage ceases and call all other irregular relationships between a man and a woman concubinage, or we let in the language of the Legislature—a *quasi*-marriage—which is neither a marriage, pure and simple, and which the Legislature recognises in this clause as not amounting to concubinage. I, therefore, submit, Sir, that there is no legal justification—indeed no justification upon any ground—for the introduction of these words. I would, therefore, ask the House to support my amendment.

Mr. President : Further amendment moved :

" That in clause 3, *Explanation II*, for all the words from the words ' though not amounting to a marriage ' to the end of the *Explanation*, the words ' amounts to marriage ' be substituted."

Khan Bahadur Sarfaraz Hussain Khan : Sir, I rise to support the amendment so ably moved by my friend, Dr. Gour. I am sorry to take objection to this *Explanation* as it is much more objectionabble than *Explanation* I. It encourages concubinage to a great extent. There must be legislation only when there is necessity for it. We must be fully justified in our action in taking away liberty, inasmuch as all legislation means the taking away of individual liberty. When marriage is recognised in different forms in different societies, I do not quite see why so many words and sentences should be used which give one the impression that the law gives more loopholes to evade the law. My objection therefore is as to why so many words should be used for the expression of one simple idea. Among the Muhammadans, for instance, there is *Muta* and *Nikah*. Among the Shiahs there is a sort of marriage which is called *Muta*, which is a temporary marriage. It may remain in force only for a week or even less. But whatever it may be, it is a marriage, and a *Muta* wife although she cannot get a right in the immovable property of the deceased husband still her issues by the deceased can have a share. So there are marriages of different kinds and forms in different societies. But I do not understand what is meant by " *quasi*-marital relations ". I hope the Honourable the Home Member will accept the amendment of my friend that in clause 3, *Explanation* II, for all the words from the words " though not amounting to a marriage " to the end of the Explanation, the words " amounts to marriage " be substituted. I accordingly wholeheartedly support my friend, Dr. Gour.

Mr. H. Calvert (Punjab: Nominated Official): Sir, Dr. Gour wishes to be informed as to what is meant by the phrase " *quasi*-marital relations." I would like to give a simple instance of this. In a little tract north of Simla there are two small cantons, Lahul and Spiti, where polygamy is recognised and generally adopted. It is more or less a universal practice forced upon them by the poverty of the country. I think this *Explanation*

[Mr. H. Calvert.]

is directly designed to meet the case of those people. I therefore oppose Dr. Gour's amendment.

Mr. Ahmad Ali Khan (Assam : Muhammadan) : Sir, in legal phraseology there is no such phrase " *quasi*-marital relations ". The union is either marriage or nothing but an illicit union. I think the difficulty can be got over by deleting that phrase " though not amounting to a marriage, etc." and substituting for it the phrase " amounts to marriage ". The word " marriage " will have to be interpreted by the Court according to the circumstances of the case and the customs of the parties to the union. That is my reason for supporting the amendment of my friend Dr. Gour.

The Honourable Sir Alexander Muddiman : Sir, I sympathise with the high moral intentions of the Honourable Member who brought forward these amendments, but unfortunately the position is this. There are in various provinces in India, notably in Burma, Assam and the United Provinces, and also very close to Simla, marital unions which are in no sense marriages, but which are in accordance with the customs of the people in those parts. It would be almost impossible to treat as criminal offenders those who resort to these temporary ties of a *quasi*-marital nature. You must educate the people and they will give these practices up themselves. We cannot make people entirely moral by Act of Parliament. I therefore oppose this amendment.

Dr. H. S. Gour : I would like to reply....

Mr. President : Order, order. I do not give the Honourable Member the right to reply. Maung Tok Kyi.

Maung Tok Kyi (Burma : Non-European) : Sir, I rise to support my Honourable friend, Dr. Gour. The Bill as it comes out of the Select Committee is I think only a half measure. In the matter of social reforms we should be as thorough-going as possible. The amendment made by Dr. Gour is, I think, a simple and thorough one and should be adopted. I should like to say a few words with reference to a letter from the Government of Burma on this subject. The other day an Honourable Member of this House brought this letter to my notice. It was written as long ago as 1914. I am sorry that the then Government of Burma saw it fit to make a scandalous assertion against my people. The actual words written were these :

" Pre-marital intercourse in Burma is not considered worthy of grave reprobation. When a marriage between two parties is so definitely fixed that it is looked upon as being certain, intercourse frequently takes place between the parties."

This, Sir, to say the least, is not founded on actual fact. I lay my humble claim that I know the customs and manners of my people better than any member of the Government of Burma, and I deny from my place in this House the statement made in the letter, publicly and openly. I admit there is a recognised custom of concubinage and there is also another custom—polygamy. Though these customs were well recognised in times of old, the trend of modern Burmese opinion is against such practices. I think girls under 18 years of age should be protected. Only after that age should they be allowed to do what they like. They are then in a position to think for themselves and to take care of themselves. But I have strong objection to their becoming either prostitutes or concubines before that age.

Sir, with these words I support the amendment moved by my Honourable friend, Dr. Gour.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : Sir, I am afraid the question before the House has not been properly appreciated. The question is, are we going to create an offence ? In considering the question whether we are going to create an offence, we have to see what the community for whose benefit you are making laws, consider about the proposed acts which you want to convert into an offence. If the community to which the parties belong are prepared to treat them as husband and wife without any sense of their doing anything wrong, is it right that we should make it an offence out of our zeal for reform ?

Mr. N. M. Joshi (Nominated : Labour Interests) : Where is such a community ?

Diwan Bahadur T. Rangachariar : If my Honourable friend Mr. Joshi professes knowledge of the whole of India, I think he is on the high road to omniscience.

Mr. N. M. Joshi : I asked for information.

Diwan Bahadur T. Rangachariar : There are communities and communities, backward communities who consider quite proper a mere union between man and woman and receive them as husband and wife and their children are allowed to inherit, although the law may not recognise it as marriage. The Hindu personal law allows children to inherit in certain cases, and if you are going to convert that union into an offence I think you shut your eyes to facts. For instance there was considerable doubt as to whether *sambandan* in Malabar constituted a valid marriage or not. Eminent Judges in the Madras High Court held for a long time that it did not, and it was on that ground that Sir Sankaran Nair, when he was a Member of the Madras Council, brought in a Bill enabling parties to contract marriage under civil law as it were. The community regard it I know as a correct union although the parties are at liberty to divorce each other. When this Bill speaks of *quasi* marriage it refers to such cases, where among the community the union is regarded as a lawful union. Now you want to make it not only unlawful but a crime. You are really going to legislate to do that. I want you to look at it from that point of view, and I think this clause is very carefully worded, having regard to facts which exist and not to theories which social reformers want to try and put down the throats of the people.

The motion was negatived.

Mr. President : The question is :

"That clause 3, as amended by the Select Committee, stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Khan Bahadur Ghulam Bari : In dealing with my forth amendment to clause 4.....

Mr. President : Order, order. I may point out to the Honourable Member that when his original motion was defeated, that defeat carried

[Mr. President.]

with it all the other amendments of the same character. What I am going to ask him to do now is to move his amendment to clause 5.

The question is :

"That clause 5 stand part of the Bill."

Khan Bahadur Ghulam Bari : In moving this amendment* I am going to deal with a question where I see an anomaly, an inconsistency, and so a mistake. Previously section 372 and section 373 of the Indian Penal Code fixed the age of protection at 16. That is the age at which the law meant to protect minor girls from falling into corrupting and demoralising circumstances. At the same time under section 552, the Criminal Procedure Code, authorising magistrates to restore minor girls who had been detained for unlawful purposes fixed the age at 14. I should say this was an anomaly and I would call it a mistake. I do not see any reason why that discrepancy was allowed, and now, while dealing with the present Bill, the same anomaly has been maintained and kept up. It was said that there was already a difference of two years and so we should even now keep up the same difference ; while keeping the age limit 18 under sections 372 and 373, of the Indian Penal Code, we must keep the age limit under section 552 of the Criminal Procedure Code as 16. But I can see no reason for that. If the object of the legislation is to protect minor girls under a certain age from falling into bad circumstances or from being taken into an atmosphere which may be corrupting and demoralising, then I do not see why there should be any difference. On the one hand, Sir, those two sections of the Indian Penal Code mean to protect minor girls from going into the hands of prostitutes and for that purpose they say they are going to protect them up to the age of 18. In the case of minor girls who fall into the hands of other persons than their rightful guardians and are being detained for an unlawful purpose, the proposal of the Bill is that we should protect them only up to the age of 16. I am quite unable to understand the philosophy of this difference. If we are at all bent on giving such protection, then the age limit must be the same. I may submit as well that "detention for unlawful purposes" may mean anything. Detention for an unlawful purpose may be for the commission of any crime. When a minor girl is subjected to such serious circumstances where any offence may be committed in connection with her, then I say, Sir, we must not hesitate in fixing the same age limit in clause 5.

[At this stage Mr. Deputy President (Diwan Bahadur T. Rangachariar) took the Chair.]

Dr. H. S. Gour : Sir, I have also given notice of a similar amendment. Honourable Members will find that the amendment is almost consequential upon the clauses that have been acceded to by this House. We have now decided to protect all minors under the age of 18, and in the previous clauses you will find, Sir, that clause 4, *Explanation I*, deals with persons below the age of 18 ; that is if persons below the age of 18 are corrupted in the manner explained in the *Explanations* appended to those sections, by any persons, such persons are liable to punishment. Under section 552 of the Criminal Procedure Code the magistrate possesses certain summary jurisdiction of restoring minors below a certain age, if detained for an unlawful purpose and so on, to their lawful guardians,

* In clause 5, for the word "sixteen" the word "eighteen" be substituted.

and we suggest that, as you are punishing a person for corrupting a person below the age of 18, you are in logic equally bound to restore a child below the age of 18 to its lawful guardian if a girl is detained for one of those purposes which you know very well. Now, Sir, I wish to ask, why a girl between the age of 16 and 18 should not receive magisterial protection if she is unlawfully detained for an illicit and immoral purpose. That is a question which I submit cannot be answered except in the manner I have indicated. And on previous occasions I have submitted to the Honourable Members of this House, and I wish to do so once more in this connection that ever since the passing of the Indian Majority Act it has been the declared policy of the Indian Legislature that all persons until they complete the age of 18 are not *sui juris* competent to think and to act for themselves. In other words, they are minors. Now, Sir, it is a well known principle of law that minors are entitled to the protection of law, and I venture to ask what justification there is for the proposition that a girl between the age of 16 and 18, if unlawfully detained by a person other than the natural or appointed guardian for an illicit and immoral purpose, should not receive the same protection as, let us say, a girl below the age of 16. Can you endorse that ? Can you support it ? Can you justify the policy which entitles a magistrate to restore to a lawful guardian a girl who is one day short of 16 and not a girl who is one day over 16 ? Both are equally incompetent to think for themselves. Both are minors ; both are entitled to the protection of law, and offences committed upon them in the manner described in the previous clauses of this Bill are punishable under the Indian Penal Code. I beg to ask, why there should be a discrepancy between the clauses which punish and the clause which prevents the commission of an offence ? I submit, Sir, there is no logical foundation for it. I think the sooner the Legislature adopts the principle which has been upon the Statute-book for nearly 50 years, that all minors below a certain age are incompetent to take care of themselves and are therefore entitled to the protection of the State, the better I submit it would be for the purity of society and, I further submit, for the benefit of the minors. I therefore submit, Sir, that the substitution of the age of 18 for 16 cannot be resisted in logic or in principle, and I have no doubt that this House will carry the amendment which stands in the name of the Honourable the Mover, who has just spoken and also in my own name.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Sir, I have very great respect for Dr. Gour and I was therefore very much surprised to find him confusing the whole issue. I hope the House will do me the honour of following the wording of the section that we are about to amend. Section 552 of the Code reads thus :

> " Upon complaint made to a Presidency Magistrate or District Magistrate on oath of the abduction or unlawful detention of a woman, or a female child under the age of fourteen years, for any unlawful purpose, he may make an order for the immediate restoration of such woman to her liberty, or of such female child to her husband, parent, guardian or other person having the lawful charge of such child, and may compel compliance with such order, using such force as may be necessary."

There are, therefore, the House will observe, two objects in this section. The principal object is to rescue a girl from illegal detention ; the secondary object is to fix the age up to which girls on being rescued shall be made over to specified guardians. It is therefore incorrect to say, as Dr. Gour stated, that magisterial protection has been denied to girls over the age of 16. So far as the principal object of this section

[Mr. K. C. Neogy.]

goes, a woman, or a female, whatever be her age, is entitled to the protection laid down herein ; and the other question as to the subsequent custody of the girl I submit has very little to do with the provisions of the Bill that we are now considering. It will be observed that the age limit that was fixed by the Code of 1898 was 14, and the framers of this Bill have very properly raised it to 16, so as to correspond to the age limit fixed in section 361 of the Indian Penal Code which is the abduction section. Now, Sir, the House will observe that there is another section in the Code which somewhat corresponds to this, and that is the section relating to Habeas Corpus. Section 491 reads thus :

" Any High Court may, whenever it thinks fit, direct "

I come to clause (*b*) :

" ..... that a person illegally or improperly detained in public or private custody within such limits be set at liberty."

Now, Sir, there is no provision in the English law, so far as I am aware, corresponding to section 552 of the Code of Criminal Procedure. The remedy there lies by way of Habeas Corpus, and I therefore turn to the English case law under Habeas Corpus to find out as to what principle has been so long followed by the English law in regard to this matter, and I find that the principle as laid down by numerous cases under the English law may be stated thus : When an infant is brought before the Court by Habeas Corpus if he be of an age to exercise a choice the Court leaves him to elect where he will go, and if he be not of that age and want of direction will only subject him to dangers and seductions, the Court must make an order to place him in proper custody. That is the principle in English law, and the age of discretion in this matter in regard to girls has been fixed at 16 ; and although a father is entitled to the custody of his daughter during minority, a girl over 16 has the right to elect where she will go.

Pandit Shamlal Nehru (Meerut Division : Non-Muhammadan Rural) : May I ask the Honourable Member, Sir, if the girl of 16 happens to be married, will the husband have any chance of going to Court or to a magistrate to get possession of his wife ?

Mr. K. C. Neogy : The Honourable Member should have read the section before he interrupted me. It does not make any difference as to whether a girl is married or not. She will be set free under section 552 irrespective of her age. The only question which we are discussing is whether the Court shall make her over to either husband or father or other legal guardian that may be specified by the magistrate, or whether she will be free to elect her residence after being rescued under the provisions of this section. Now, Sir, I find that in a leading case Chief Justice Cockburn states the law thus :

" Although a father is entitled to the custody of his children till they attain the age of 21, the Court will not grant a Habeas Corpus to hand a child which is below age over to its father provided that it has attained an age of sufficient discretion to enable it to exercise a wise choice for its own interests."

As I said, the Code of 1898 fixed this age at fourteen for India, and by this Bill we are merely raising that age to sixteen. The Honourable Doctor referred to the Indian Majority Act, and made it a grievance that all the other Acts which refer to the ages of minors for various purposes have not been brought into line with the Majority Act. I would refer him to the Guardians and Wards Act, section 17. There he will find

that it is laid down that if the minor is old enough to form an intelligent preference, the Court may consider that preference.....

Dr. H. S. Gour : For what purpose ?

Mr. K. C. Neogy : For the purposes of appointment of a guardian.

Dr. H. S. Gour : That is quite a different thing.

Mr. K. C. Neogy : I would also remind him that in a decision of the Madras High Court it has been laid down that a male child over fourteen and a female above sixteen will not ordinarily be compelled to remain in the custody to which they object, and in the case of younger children, if old enough to form an intelligent preference, their wishes will form one of the elements for consideration. Does the Honourable Doctor mean to say that, while the case law under the Guardians and Wards Act gives this discretion, admits that sixteen is quite high enough for the purpose of enabling a girl to make her choice in this matter, he should interfere with her choice while we are discussing the amendment of section 552 for quite another purpose ?

Dr. H. S. Gour : Sir, what reference is the Honourable Member making to the Guardians and Wards Act ? He will find that all that it lays down is that a girl or boy may choose, and the Court may act upon it. But the order is passed by the Court.

Mr. K. C. Neogy : Exactly so, and if the Doctor had only followed me when I read out the principle as laid down by the Madras case he would have seen that it has been laid down very clearly that if a girl over sixteen does not desire to remain in the custody of a particular guardian, her wishes will be respected. Dr. Gour's quarrel is not with me but with the case law that has been established by the different High Courts. Now, Sir, what I beg to submit is that so long as the age limit in the abduction section remains at sixteen, it would be illogical to raise the age to eighteen in this particular section.

I was a little surprised to find my Honourable friend, Khan Bahadur Ghulam Bari, supporting this amendment as vehemently as he did, because I remember that in the last Delhi session an Honourable Member of this House raised the objection that, having fixed the age for the purpose of the abduction section at sixteen, the Legislature had interfered with the Muhammadan religion, and he pointed out that the age of discretion as recognized by the Muhammadan law was fifteen in any case, if not earlier. I am sorry that my Honourable friend is absent from the House to-day. If he were here, he would have probably raised an objection to the amendment which has now been proposed by the Honourable Khan Bahadur and supported by Dr. Gour. I therefore hope that the House will not be misled by the eloquent advocacy of the Honourable Member from Nagpur, but will turn down this amendment.

Mr. M. A. Jinnah (Bombay City : Muhamadan Urban) : Sir, I had no desire to take part in this debate. I can understand the Honourable Khan Bahadur Ghulam Bari desiring to raise the age. As a man of the world, he takes a commonsense view, and I can quite appreciate that. But I was really surprised to hear Dr. Gour, a Doctor of Law, insisting upon his amendment in the manner in which he did. I can only excuse him on one ground, that he is such a great enthusiast for the moral reform of this country that he does not stop short of even striking at the root of one of the greatest principles of law, and I shall explain that very.

[Mr. M. A. Jinnah.]

shortly. Section 552 has got two provisions in it, and I would like Dr. Gour to analyze those two provisions briefly.

Dr. H. S. Gour : I have not had a chance to do so.

Mr. M. A. Jinnah : I will do it for him, Sir, and I hope, before I sit down, I shall be able to convince him, because I know he has got a judicial mind and I know that it would be very simple for me to convince him. Section 552, Sir, runs as follows :

> "Upon complaint made to a Presidency Magistrate or a District Magistrate on oath of the abduction or unlawful detention of a woman of any age or of a female child under the age of fourteen for any unlawful purpose....."

He has got to do two things. In the case of a woman of any age, he may make an order for the immediate restoration of such a woman to her liberty. That is proposition No. 1. Proposition No. 2, which applies to a minor child, a minor female, enables such female child to be made over to her husband, parent, guardian or other person having the lawful charge of such child and can compel compliance with such order, using such force as may be necessary. Now, Sir, in the case of a minor female child the Magistrate will have the power to hand over the custody of that child to the lawful guardian, whoever that may be. If you now accept the amendment of Dr. Gour, it will entitle the Magistrate to hand over the custody of a female child of 18 years of age to her lawful guardian. Dr. Gour knows the well-known case—I think it is reported in 16—Bombay—Sabitri Bai's case, which has dealt with all the authorities that bear on the subject, and has been followed throughout the High Courts in India. And it lays down this, that it does not matter who the guardian may be—the lawful guardian is not entitled to the custody of a girl who is sixteen years of age. She is free to go anywhere she likes, although she may have a lawful guardian. I think he will accept the proposition that this is so. Now, if you make this amendment in this Bill, you will revolutionize the fundamental principle which lays down that any female of sixteen years of age is free to choose her own abode, a legitimate lawful abode, and you will be interfering with that. You will make an allegation against this girl, and you will make a complaint under this section, and the Magistrate would be bound to hand over that girl to her guardian, although she is above sixteen and although she is not doing anything wrong at all.

Pandit Shamlal Nehru : May I ask the Honourable Member also to explain why it is necessary to change the age from 14 to 16 ?

Mr. M. A. Jinnah : That I can understand perfectly well. The raising of the age from 14 to 16 does not conflict with the fundamental principle which I have tried to explain to the House, because up to the age of 16 the guardian is entitled to the custody, and therefore, if the girl is taken away for any immoral purpose, it will be open to the guardian to get back the custody of that child.

Dr. H. S. Gour: I am very sorry to interrupt the Honourable Mr. Jinnah, but I think, in fairness to us all, he should admit that the guardian is *prima facie* entitled to the custody of a minor up to the age of 18.

Mr. M. A. Jinnah : No.

Dr. H. S. Gour : Under the Guardian and Wards Act, a minor remains a minor even up to the age of 21.

Mr. M. A. Jinnah : No, Sir. That is the exact confusion under which Dr. Gour is labouring. Under the Guardian and Wards Act, no doubt you are the guardian of a minor female up to the age of 18. That is correct. But the guardian cannot insist upon holding her in his custody. That is the distinction. And here, if you make this amendment, you will strike at the root of that fundamental principle. The guardian will be entitled not only to claim that he is a guardian, but he will be entitled to have possession of that child. That is a distinction. I certainly, Sir, appeal to this House not to adopt this amendment because it will revolutionise a very important principle of law which has been recognised for years and years.

The Honourable Sir Alexander Muddiman : Sir, the case for the clause as it stands has been put so very clearly by my Honourable friends, Mr. Neogy and Mr. Jinnah, that I really do not think that I should detain the House further on this point. They have convinced me that the Bill as it stands is right, and, therefore, I oppose the amendment.

Mr. Deputy President : The original question was :

" That clause 5 do stand part of the Bill."

Since which an amendment has been moved :

" That in clause 5, for the word ' sixteen ' the word ' eighteen ' be substituted."

The question is that that amendment be made.

The motion was negatived.

Clause 5 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir Alexander Muddiman : Sir, I move that the Bill, as amended by the Select Committee, be passed.

Mr. Deputy President : The question is that the Bill, as amended by the Select Committee, be passed.

The motion was adopted.

THE OBSCENE PUBLICATIONS BILL.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I beg to move :

" That the Bill to give effect to certain articles of the International Convention for the Suppression of the Circulation of, and Traffic in, Obscene Publications, as passed by the Council of State, be taken into consideration."

Sir, the history of this Bill is well known to the House. It is based on a Resolution which was passed in the Assembly on the 8th of March 1924. A similar Resolution was passed by the Council of State two or three days later, and the Bill is to give effect to these Resolutions. The Resolution was that India do ratify the International Convention for the Suppression of the Circulation of, and Traffic in, Obscene Publications and that legislation should be undertaken in this Legislature in accordance with the provisions of the Convention. Now, in order to do that, it was necessary to examine and extend the scope of sections 292 and 293 of the Indian Penal Code and also to amend the provisions of the Criminal Procedure Code to enable these obscene publications to be searched for. The Bill also gives effect to the recommendation that the offence should be held to have been aggravated in the case of a minor, and the question has been discussed as to what should be the age at which that part of the law should be applicable, and the age that has been inserted in the Bill

[Sir Alexander Muddiman.]

is 20. That provision was made after consulting the Local Governments and it is to some extent a compromise between conflicting opinions. Now, this Bill has been before the House for a considerable time. I have received no notice of any amendments of substance, and therefore I take it that the Bill is generally approved by the House.

I move, Sir, that the Bill be taken into consideration.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor : Non-Muhammadan Rural) : Sir, I remember to have sent an amendment to the effect that this Bill be referred to a Select Committee, and I think the Honourable the Home Member is in receipt of that amendment.

The Honourable Sir Alexander Muddiman : Yes, Sir. I had no amendments on points of substance in the Bill. That is a dilatory motion that I received.

Mr. C. Duraiswami Aiyangar : Sir, before I move the amendment, I wish it to be known clearly that I am in entire support of the provisions of the Bill so far as they go and the object for which this Bill has been brought before this House. Even when this question came before this Assembly on the 8th of March in the Delhi Session, I gave my entire support to the Resolution as it was framed. But nobody expected that so soon after that there would be an attempt to change the present provisions of the Indian Penal Code, sections 292 and 293, and also section 98 of the Code of Criminal Procedure. Sir, I have not the slightest objection to these provisions being amended so as to suit the articles of the Convention which has been adopted by the League of Nations ; but, at the same time, I should like that when a change is made in an existing provision of a criminal law, some time must be given to it and the Members of the Assembly must also have an opportunity of discussing it first in the Select Committee and then before this Assembly. You will find, Sir, from the extracts that have been supplied to the Members of this Assembly of opinions collected from various quarters, from various Governments, that there has not been unanimity of opinion. But, on the other hand, a very responsible and very influential number of Judges as well as others have given various views with reference to the provisions that are now sought to be introduced into the criminal law. I might analyse it by saying that there are several Judges who have held the view that the present provisions of sections 292 and 293 are quite sufficient for the purpose. Among those, there are three Judges of the Madras High Court, while the other Judges of that Court did not express any opinion. There are five Judges of the Allahabad High Court who hold that the provisions of sections 292 and 293 are quite sufficient for the purpose. Further, the High Court Vakils' Association of Bihar and Orissa and Rai Bahadur D. N. Chaudri of the Central Provinces who has also been consulted in the matter are all of opinion that the present sections 292 and 293 are quite sufficient for the purpose. Then, Sir, there is another question about which there has been a diversity of opinion, that is, with regard to the *Exception* to section 292 of the present Indian Penal Code and also the *Exception* which has been retained in the new Bill. I am aware that the *Exception* to the original section 292 is retained intact, but when we go in for a new legislation, for a revised legislation, on this question it is absolutely essential that we must make the *Exception* itself perfect or more satisfactory than it originally stood. It may be said that this *Exception* has worked no hardship and no cases have been put before the Court, which

have not been really deserving cases of obscene publication and propaganda. But, at the same time, I wish to draw the attention of this Assembly to the fact that, inasmuch as the League of Nations has taken up this question seriously, more attempts might be made in the future for launching prosecutions, although hitherto they might not have been so attentive to the provisions of section 292. There have been persons to whom the matter has been sent for opinion and who have held that works of art should be excluded from the operation of the main section. There are persons who have expressed their opinion that classical literature and also religious books must be specifically included in the *Exception* to section 292. As it is, you will find, Sir, that in the *Exception* to section 292 there is no reference at all either to works of art or to books of a religious nature. It is possible that there may be several cases of religious books and also books of classical literature which may appear to a foreigner as a matter of obscene publication, whereas to the man concerned with that religion it is a matter purely of a religious nature. Those Honourable Members who are lawyers are not unaware of an Editor of a Muhammadan journal who has been prosecuted and convicted for reproducing certain portions from religious literature in order to impress upon the people of his sect that during the month of Ramzan they should observe fasts and avoid certain vices. He only enumerated in his journal those vices which should be avoided and still he was prosecuted, for the simple reason that, although his intention was all right, the effect produced upon non-Muhammadans was different. Sir, similar cases might occur even as regards the religious books of the Hindus. Passages from Hindu religious books which may be very sublime and may be of a great reverential nature might not appeal to a non-Hindu. Therefore, in a country like this, one cannot be too careful about making provisions with reference to literature. I am also aware, and some of you also may be aware, of the fact that in Madras one Telugu author who reproduced and republished a work of a great poet, who lived three hundred years ago, was charged with having published obscene literature and was convicted. Sir, the classical work which he reproduced is classified as one of the highest works of literature, and yet when he reproduced and republished it, he was charged and convicted. That case is reported in the 22 Madras Law Times. Sir, I made all these references even on the previous occasion when this question came up before this Assembly. At that time when Sir Malcolm Hailey was pointing out to me in the course of my speech the *Exception* to section 292 from his seat on the other side of the House, I had thought that he would also recognise that if a fresh legislation was to be undertaken, such things as I was referring to at that time would be excluded from the operation of the main section. But unfortunately I find that it is only the *Exception* to section 292 that has been reproduced intact, but no provision has been made to extend even the scope of the *Exception* in order to include works of art, classical literature and religious books. In this matter, Sir, I am supported by the opinion of the Bar Library of Allahabad, by the Patna Vakils' Association and by Sir G. M. Chitnavis, K.C.I.E. Sir G. M. Chitnavis says, and I am sure we will respect his authority :

"In case there are any such publications which are likely to affect the religious tendencies of people of any caste, the matter should be referred to a Committee consisting of one or two persons of the religion affected and action taken after due consideration of the views therein expressed."

[Mr. C. Duraiswami Aiyangar.]

Even such a high authority says that there may be cases when publications will be of a doubtful nature and when differences of opinion may arise between the Judge and the accused. In such cases it is possible that the Judge might misunderstand the facts and the real purport of the published book and then the law will work a hardship. I would therefore suggest in this connection the desirability of giving an opportunity to a person accused of an offence of having made any publication like that to choose his own forum, to choose whether he should be tried by a Sessions Judge with a jury or only by a first class Magistrate. But all the same it will be absolutely necessary that in such cases either prior to the launching of the prosecution or after the prosecution has been launched, opinion must be taken of such persons as are authorities on that publication and the accused must also be given an opportunity of taking his case over to the Sessions Court where he may be tried by a jury of his own countrymen.

With reference to section 98 of the Criminal Procedure Code, which is sought to be amended in order to bring it into line with the other amendments that have been proposed, several authorities, to whom this matter has been referred, have distinctly made us understand that immense safeguards are necessary. The amendment of section 98 of the Criminal Procedure Code would authorise any police officer with a warrant probably only from a Sub-divisional Magistrate to go and search the house of anybody. He may happen to be a respectable person, but all the same the power is given to the police officer to go and institute a search in his house if any obscene picture is suspected to be found there. Therefore, several people have suggested that in such cases the authority must be at least that of a District Magistrate and not that of the subordinate Magistrates. I would even add that in prosecutions like these, the previous sanction of the Government or some other proper authority might also be required. This is also the opinion which has been expressed, I think, by the Government of Bengal. Now, the Central National Muhammadan Association of Calcutta. The Government of the United Provinces, the Bar Library of Allahabad and an Additional Judicial Commissioner in the Central Provinces have all emphasised the fact that section 98 of the Criminal Procedure Code should not be made to work any hardship in cases relating to such literature, and they all want that proper safeguards must be made by enacting that at the very least the authority of a District Magistrate must be produced by the police in order to make a search in the house of any man who is suspected to have such things. Under these circumstances, Sir, I think it proper that we should introduce this Bill into this Assembly after it has gone through an operation in the Committee Room.

Secondly, it will not be a dilatory motion because evidently there cannot be much urgency about thus rushing through this Bill, because, as I have already pointed out to the House several Judges of the High Courts have stated that the present provisions themselves are quite sufficient. If you will look at the proceedings of the Council of State you will find that the Honourable Mr. Crerar, who introduced it there, has also stated that the present provisions of sections 292 and 293 are no doubt sufficient, but to bring them into accord with the Convention some more provisions may be necessary. Therefore, I think, much harm will not be done if this measure is put before the Select Committee.

The Honourable Mr. Crerar said :

" Our law in this matter was, for most purposes, adequate to the requirements of the Convention but there were one or two points in which it fell somewhat short."

Therefore, as it is only somewhat short, we may take a somewhat short time to make this provision complete and thus place before the Assembly a Bill which is properly considered by a Select Committee of this Assembly.

Mr. Deputy President : Has the Honourable Member moved his motion ?

Mr. C. Duraiswami Aiyangar : Yes, Sir.

Mr. Deputy President : The original motion was :

" That the Bill be taken into consideration."

Since which an amendment has been moved :

" That the Bill be referred to a Select Committee."

Pandit Shamlal Nehru (Meerut Division : Non-Muhammadan Rural) : Sir, I support my Honourable friend, Mr. Duraiswami Aiyangar's amendment. My reason, however, is quite different from Mr. Duraiswami Aiyangar's. I find that the Bill has an *Exception* which reads thus :

" This section does not extend to any representation sculptured, engraved, painted or otherwise represented on or in any temple, or on any car used for the conveyance of idols, or kept or used for any religious purpose."

My main object in asking for a Select Committee is to have this *Exception* reviewed and to have it dropped altogether. If you have this *Exception*, Sir, I think that it will be vilifying the Hindu religion. No religion teaches us to exhibit obscene engravings or pictures. In the south there are a large number of temples in which you will find most objectionable carvings. I will have those carvings screened off from the public gaze. That is my main object and I therefore support Mr. Duraiswami Aiyangar's amendment.

Mr. K. V. Reddi (Guntur *cum* Nellore : Non-Muhammadan Rural) : Sir, I support my Honourable friend, Mr. Duraiswami Aiyangar's amendment to refer the Bill to Select Committee. I submit, Sir, that the Bill as placed before this House, does not wholly serve the purpose for which it is intended, because in clause 2, sub-clause (*a*) the provision reads :

" sells, lets to hire, distributes, publicly exhibits or in any manner puts into circulation, or for purposes of sale, hire, distribution, public exhibition or circulation makes, produces or has in his possession any obscene book, pamphlet, paper, drawing, painting, representation or figure or any other obscene object whatsoever."

Suppose a man has in his possession some obscene paintings keeps them in his house and shows them freely to men of all ages, that man cannot be brought under any of the sections. I am fortified in this view by the following opinion given by the Advocate-General of the Madras High Court, who says :

" Exhaustive as the first article of the Convention may look, it is doubtful if it does wholly avert the mischief and eradicate all sources of it . . . . . purchased and is keeping obscene pictures and shows them freely to men of all ages does not seem punishable by the language of the first Article. A person who makes them but not for trade, or for distribution or public exhibition, may allow them to be seen freely without bringing himself under the clutches of the law. Nor does it

[Mr. K. V. Reddi.]

appear clear from the language of Article 5 whether these obscene pictures can be searched for or destroyed if they are not made or produced or had in possession for the purposes referred to in Article 1 ; clause 1."

This objection holds good to the provisions of the Bill before us.

My second reason for asking that the Bill be referred to a Select Committee is that the word " obscene " is not defined in this Bill. There are many works of art and literature that may be brought within the scope of this Bill, so it is better that the word " obscene ", which is so wide in its meaning, should be defined in this Bill. For these reasons I support my friend Mr. Duraiswami Aiyangar's amendment.

Mr. K. Rama Aiyangar (Madura and Ramnad *cum* Tinnevelley : Non-Muhammadan Rural) : May I ask the Honourable Home Member whether he has any objection to the Bill being referred to a Select Committee ?

The Honourable Sir Alexander Muddiman : I must confess that I was a little bit surprised by this 11th-hour motion for reference to Select Committee. Not a single amendment had been put into this Bill and there is nothing that has been raised in my friend's speech that could not have been discussed on a definite amendment or amendments. If the House wants a Bill to be referred to Select Committee, they should put in amendments to that effect so that I may have notice. Hardly anything has been raised beyond a small matter of drafting. I am not prepared to say that the rapid passage of this Bill is a matter of such urgency that I should go contrary to the wishes of the House. If it likes to refer the Bill to Select Committee I will not oppose their wish, but let it remember that reference to Select Committee means delay till next Session. In these circumstances, I will leave it to the House to decide whether it will refer the Bill to a Select Committee.

Mr. Deputy President : The original motion was :

" That the Bill to give effect to certain articles of the International Convention for the Suppression of the Circulation of, and Traffic in, Obscene Publications, as passed by the Council of State, be taken into consideration."

Since which an amendment has been moved :

" That the Bill be referred to a Select Committee."

The question I have to put is that that amendment be made.

The motion was adopted.

THE IMPERIAL BANK OF INDIA (AMENDMENT) BILL.

The Honourable Sir Basil Blackett (Finance Member) : Sir, I desire to make a motion that I was unable to make before lunch, that the Bill to amend the Imperial Bank of India Act, 1920, be passed.

My reason for not making this motion before lunch was that I knew that the amendment which had been passed by the House was from the draftsman's point of view unsatisfactory, and that the draftsman desired the opportunity to prepare some slight change and possibly consequential amendments which I understand Sir Henry Moncrieff Smith will be in a position to move after I have made this motion. I should like to say further with regard to the extension of this Bill to co-operative banks that I had not taken the amendment very seriously, in view of the fact that the Select Committee had not regarded it as really relevant. I do not think it has any particular relevance to the Bill. If it has a

serious effect I must reserve to the Government the possibility of moving in another place for a change in the Bill as it now stands. If, however, as I believe to be the case, the amendment will be entirely inoperative and inoffensive, I have no objection to the Bill remaining as it stands.

There is just one other point. We are passing a Bill which will, I hope, enable the Imperial Bank to take suitable action, if necessary, in conjunction with other banks, for dealing with financial crises or panics. I think that is a bit of legislation that will be very valuable to India, but legislation cannot do everything, and if banking in India is to progress, and if danger of crises is to be avoided and crises are to be kept from occurring frequently, private initiative and private enterprise are required, and in particular the spirit of co-operation and effective habits of co-operation between the leaders of finance and industry. I hope that this Bill will be regarded as merely a small contribution by legislation to the solving of a big problem for whose complete solution private action in the direction of free and habitual co-operation between the big banking and commercial interests of the country will be required.

I move that the Bill be passed.

Sir Henry Moncrieff Smith (Secretary, Legislative Department) : Sir, in the amendment passed by the Assembly this morning, on the motion of the Honourable Maung Tok Kyi, there was a reference to co-operative banks established under the Co-operative Societies Act. The Co-operative Societies Act does not refer to co-operative banks, and in any case they are not established under that Act. I therefore move :

" That for the words ' or a co-operative bank established ' the words ' or any society registered ' be substituted."

The motion was adopted.

Sir Henry Moncrieff Smith : I also move :

" That, after the words ' any such company,' and after the words ' such company ' in both places where they occur, the words ' or society ' be inserted."

These are consequential amendments.

The motion was adopted.

Mr. Deputy President : The question is :

" That the Bill, as amended, be passed."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 16th September, 1924.

LEGISLATIVE ASSEMBLY.

Thursday, 16th September, 1924.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

(Question No. 1973 was withdrawn.)

PROMOTION OF SENIOR SUBORDINATES IN THE PUNJAB POSTAL CIRCLE.

1974. *Mr. Chaman Lall : (1) Is it a fact that a good number of senior subordinates of the time-scale in the Punjab Postal Circle are refused promotion to the higher grade ?

(2) Is it a fact that many of such men are holding charge of some important sub-offices or an important branch of a head office ?

(3) Is it a fact that some of them got special promotions for their good work ?

(4) Is it a fact that only character sheets were consulted to pass such orders and no other consideration was paid ?

(5) Has it been admitted by the Government that the communal tension in the Punjab is very high and that therefore remarks recorded in the character sheet of the officials are generally biased ?

(6) Is the Director General prepared to request the Postmaster General, Punjab, to reconsider the cases of such officials who are recommended by their immediate superior and give them a chance to prove their fitness ?

Mr. H. A. Sams : (1) It is presumed that the Honourable Member refers to promotion to the Selection Grades ; if so, it is a fact that certain of the senior men in the time-scale whose past records have shown that they are unfit for the Selection Grades have been passed over for promotion to these grades.

(2) No. Important sub-offices and important branches of Head Offices are ordinarily in charge of men in the Selection Grades.

(3) Yes, two officials, but work and conduct subsequent to the special promotion have also to be taken into consideration.

(4) Yes, because character sheets are the record of an official's work and conduct.

(5) No.

(6) No, I have at present no reason to believe that there has been any injustice.

LIQUIDATION OF THE ALLIANCE BANK OF SIMLA.

1975. *Mr. Chaman Lall : (*a*) Have Government seen the Liquidators' report and the Investigation Committee's report relating to the liquidation of the Alliance Bank of Simla, Ltd. ?

(*b*) Will Government explain their attitude in delaying to take action against the persons involved ?

(*c*) Will Government inform the House of the nature of the conversation which took place between Sir Malcolm Hailey and one of the officials of the Bank ?

(*d*) Will Government state the total amount of money belonging to Government Departments lying with the Alliance Bank of Simla at the time when that bank went into liquidation ?

The Honourable Sir Basil Blackett : (*a*) Yes.

(*b*) The Bank was in voluntary liquidation and the Government awaited the report of the liquidators before deciding whether any action on their part was called for. I do not think there has been any avoidable delay.

(*c*) The Honourable Member presumably is referring to Sir Edward Cook, who was acting as Finance Member at the time. The Government have no information regarding the conversation referred to.

(*d*) None, so far as the Government is aware.

Mr. Chaman Lall : Will Government make an attempt to find out the exact nature of the conversation that took place between Sir Malcolm Hailey and Sir Edward Cook ?

The Honourable Sir Basil Blackett : Sir Malcolm Hailey and Sir Edward Cook must have had several conversations about that time, Sir ; but I think the question asked is as to a conversation which took place between Sir Edward Cook and one of the officials of the Bank. As I said, the Government have no information.

Mr. Chaman Lall : Is it the intention of Government to withdraw the statement in the report itself referring to that conversation with Sir Malcolm Hailey ?

The Honourable Sir Basil Blackett : The report did not refer to a conversation with Sir Malcolm Hailey. As I have twice told the Honourable Member, the conversation was said to be with Sir Edward Cook and I have no information with regard to it.

NET PROFIT OF THE POSTAL AND TELEGRAPH DEPARTMENTS FOR THE YEAR ENDING MARCH 1923.

1976. ***Khan Bahadur Sarfaraz Hussain Khan :** Will the Government be pleased to state :

(*a*) the amount of net profit of the Postal and Telegraph Departments for the year ending March 1923 ;

(*b*) the manner in which it will be spent ?

The Honourable Mr. A. C. Chatterjee : (*a*) The Honourable Member is referred to the Finance and Revenue Accounts for 1922-23 (Account No. 39) which shows the net revenue of the Department for the year ending March 1923. It would be misleading to speak of this net revenue as representing a profit. In preliminary discussions regarding the commercialisation of the accounts of the department it has become apparent that when all proper debits are taken to account the result will more probably be a loss than a profit.

(*b*) The net revenue was merged in the general revenues of the country.

FLOODS IN SOUTHERN INDIA.

1977. *Haji S. A. K. Jeelani : 1. Will the Government be pleased to state whether they have received a report from the Government of Madras about the flood havoc in the southern parts of the Presidency of Madras ?

2. Have the Government received any reports from the Government of Madras as to the necessity of urgent relief to the sufferers and the amount that may be required for rendering such relief ?

3. Have the Government received any estimate of the loss of revenue that the Government of Madras may have to suffer this year on account of the flood havoc ?

4. Do the Government propose to remit any portion of the Madras provincial contribution this year to enable the Madras Government to meet the financial difficulties created by the floods ?

Mr. J. W. Bhore : 1. Yes. In view of the numerous inquiries on this point a copy of the telegram from the Madras Government is placed on the table.

2. The Government of India have received a request for assistance from the Government of Madras and it is under consideration.

3 and 4. The reply is in the negative.

Copy of a telegram from the Government of Madras, to the Government of India, Home Department, dated the 3rd September 1924.

Your wire 3067, 30th August. Flood damages. Three districts seriously affected, namely, Malabar, Trichinopoly, Tanjore ; five less seriously, South Kanara, Coimbatore, Nilgiris, Salem, South Arcot. Loss of lives Malabar believed under twenty, Nilgiris 23 due to land-slips, none elsewhere. Number of houses destroyed Malabar 22,000, Tanjore 6,040, Trichinopoly 7,710, Coimbatore 6,000, Salem 1,323, South Kanara 364, Nilgiris 37 houses largely mud huts. Number of cattle lost Tanjore 78, Trichinopoly 80, Nilgiris 1,025, Malabar lost cattle worth 3,000 rupees and two elephants. Loss of other moveable property impossible to estimate. Standing crops destroyed Malabar 30,000 acres, Trichinopoly 11,300 acres, Tanjore 8,340, and seed beds sown with 71,000 *Kalams* of paddy Salem valued at 1½ lakhs, Nilgiris 340 acres of paddy and coffee, South Kanara low lying paddy fields destroyed. Damage by silt and sand negligible in Malabar, 6,000 acres rendered unfit for cultivation in Trichinopoly, 3,919 acres excluding 60 acres washed away in Tanjore, 824 acres in Salem. Communications and irrigation works seriously damaged in Malabar, Coimbatore, Nilgiris, Tanjore and Trichinopoly, Coleroon Bridge totally destroyed. Repairs to communication at present estimated at 30 lakhs. Cauvery Bank breached in many places, serious situation in Tanjore will arise if Cauvery breaches cannot be speedily repaired. Nine lakhs of acres depend for irrigation on delta system. Immediate cost of repairs estimated at 13 lakhs, total required to protect against future danger 65 lakhs. Board Member appointed Flood Commissioner inspecting affected districts and organising labour for Public Works Department and schemes for reconstruction.

SUFFERINGS OF HAJ PILGRIMS.

1978. *Haji S. A. K. Jeelani : (*a*) Has the attention of the Government been drawn to the article under the caption " Haj Pilgrims sufferings " in the *Hindu* of Madras of 28th July ?

(*b*) If so will the Government be pleased to state whether what is stated in the article with regard to the sufferings and death of Haj pilgrims is a fact ?

(*c*) Will the Government be pleased to state whether among those who were left stranded and dead in the desert of Ralia there were any Indian Muslim pilgrims ?

(*d*) Will the Government be pleased to state the total number of Indian Muslim pilgrims who left India for Mecca this year ?

Mr. Denys Bray : (*a*) Yes.

(*b*) Government are not aware whether all the detailed facts are as stated in the article. But the reports of His Majesty's Consul leave no doubt that the sufferings of the pilgrims were great and that there were several deaths.

(*c*) Yes. Government have not been able to secure trustworthy statistics. Happily Indian parties in this particular caravan were relatively few, the chief sufferers were Javanese.

(*d*) 18,005.

ASSISTANCE TO MEMBERS OF THE ASSEMBLY IN THE DISCHARGE OF THEIR PUBLIC DUTY.

1979. ***Haji S. A. K. Jeelani** : (*a*) Will the Government be pleased to state whether the heads of departments, under the direct control of the Government of India have any standing instruction to assist the Members of the Assembly in the discharge of their public duty by furnishing any information, not of a confidential nature, that may be asked for by the Members ?

(*b*) If the answer is in the affirmative will the Government be pleased to place on the table a copy of the instructions ? If it is in the negative do the Government propose to issue such instructions ?

The Honourable Sir Alexander Muddiman : Ample opportunity is provided to Honourable Members of obtaining the information they require by the rules and standing orders relating to questions. Honourable Members make very full use of their privilege and they will, I think, admit that the Departments are very conscientious and industrious in providing the information asked for. This procedure appears to me the most satisfactory in the interests both of Honourable Members and of Government and it does not appear necessary to supplement it in the manner proposed by the Honourable Member.

MEMORIAL RULES.

1980. ***Mr. W. S. J. Willson** : Referring to the three notifications of the Home Department in the *Gazette of India* dated the 21st June 1924 on the subject of Memorial Rules will Government be pleased to state :

(1) whether paragraphs X (8) and 11(9) respectively of the two sets of " Instructions " are new rules ;

(2) whether they refer to non-selection or selection appointments ;

(3) what their interpretation is ; and

(4) whether rule XXVI of the Rules made by the Secretary of State under 96B (2) of the Government of India Act applies to the case of an appeal withheld under a misinterpretation of the memorial rules ?

The Honourable Sir Alexander Muddiman : 1. The new rules merely reproduce the former rules on this subject.

2. They refer to non-selection for those selection appointments in regard to the selection for which discretion has been vested in Governments in India by law or rule.

3. Their interpretation can only be gathered from the wording of the rules themselves and I have not had any ambiguity in them brought to my notice by the Honourable Member.

4. Yes : but it is to be noticed that the power of withholding appeals is discretionary and there is no reason to suppose that Governments in India would refuse to forward an appeal where there was doubt as to the interpretation of the memorial rules. I may add that as a matter of fact I have had several cases of the kind where there was doubt as to the memorial rules and they were forwarded to the Secretary of State. At the same time periodical statements of appeals withheld are forwarded as prescribed by Rule XXVII of the Rules referred to by the Honourable Member and it would be open to the Secretary of State or the Government of India, as the case may be, to call for an appeal which has been withheld owing to a misinterpretation of the memorial rules or for any other reason.

STOPPAGE OF PROMOTION OF SENIOR SUBORDINATES IN THE PUNJAB POSTAL CIRCLE.

1981. *Lala Duni Chand : (*a*) Are Government aware that a good many senior subordinates of the time-scale in the Punjab Postal Circle are refused promotion to the next higher grade ?

(*b*) Is it a fact that a good many among these senior subordinates are holding charge of important sub-offices or important branches of the head office ?

(*c*) Are Government aware of the existence of a feeling among a number of senior subordinates that the adoption and pursuit of a communal policy at the sacrifice of efficiency and merit is responsible for stoppage of their promotion to a higher grade ?

(*d*) If the facts stated in part (*a*) and (*b*) are wholly or partly correct, are the Government prepared to direct the Director General of Post Offices to reconsider the cases of the said senior subordinates and redress their grievances ?

The Honourable Mr. A. C. Chatterjee : With regard to (*a*), (*b*) and (*d*), my Honourable friend Mr. Sams has already answered these questions in reply to a question of Mr. Chaman Lall's.

(*c*) There is no question of any communal policy. Promotions to the selection grade are based solely on merit and efficiency.

PAYMENT OF AN ALLOWANCE TO MR. AMIR CHAND BAMBWAL DURING HIS INTERNMENT.

1982. *Lala Duni Chand : 1. Will Government, in view of their reply to my interpellations on 15th February 1924 to the effect that Mr. Amir Chand Bambwal was not detained at the instance of Nawab Mohammad Azim Khan, be pleased to place on the table the copy of the letter which was received by the Honourable the Chief Commissioner of the North Western Frontier Province from Nawab Mohammad Azim Khan ?

2. (*a*) Is it a fact that certain correspondence has passed between the Deputy Commissioner, District Peshawar, and Mr. Amir Chand Bambwal after he was released from jail on the subject of the allowance promised to him during the period of his detention in 1920, and if so, will Government please lay on the table the copies of this correspondence ?

(*b*) Is it true that in reply to my interpellation on 15th February 1924 it was incorrectly stated that Mr. Amir Chand Bambwal was paid Rs. 75 every month, while as a matter of fact he was not paid even a single pice, and if so, will Government state the reasons for the incorrectness of the statement ?

(*c*) Is it a fact that Mr. Amir Chand Bambwal in a letter to the Deputy Commissioner, District Peshawar, challenged the correctness of the statement relating to the monthly payment of Rs. 75 to him during the period of his detention and in reply the latter admitted that the reply given in this House was incorrect ?

(*d*) Has the attention of the Government been drawn to two articles published in the *Partap* newspaper of 1st June 1924 and the *Zamindar* of 5th June 1924 in which the correctness of the reply as to the payment of allowance to him made in this House is challenged ?

Mr. Denys Bray : 1. A copy of the letter is being obtained from the Local Administration and will in due course be laid on the table in the absence of any particular reason to the contrary.

2. (*a*) A copy of the correspondence is laid on the table. The Deputy Commissioner, Peshawar, it should be added, knew nothing of the actual non-payment of the allowance, as it had been made payable not through him but through the Deputy Commissioner, Dera Ismail Khan.

(*b*) Yes, the answer previously given to the Honourable Member was unfortunately incorrect. The error arose thus : Mr. Amir Chand claimed a monthly allowance of Rs. 300 while under internment. The Chief Commissioner held this to be excessive and reduced it to Rs. 75. This Mr. Amir Chand refused as being inadequate. As his refusal was of no particular importance, it was not reported to the Chief Commissioner and on being asked to supply the answer to the Honourable Member's question he assumed in the absence of any report to the contrary that the sanctioned allowance had been drawn in the usual way. These facts, Sir, with an expression of regret for the error were set forth at large in a letter addressed to the Honourable Member from my office, on the 29th July last. I trust it was duly received. Unfortunately the Honourable Member is not himself in the House ; I should have been glad to have had an answer to my pointed question.

(*c*) The Government have no information but the Honourable Member's statement is presumably correct.

(*d*) Yes.

Copy of a letter dated the 27th January 1921, from Amir Chand Bambwal, Rampura Street, Peshawar City, to the Chief Secretary to the Chief Commissioner, N. W. F. Province, Peshawar.

I have the honour to bring to your kind notice that by the order of the Chief Commissioner I was interned at Tank, etc., under the Defence of India Act from 19th May 1920 to 20th December 1920.

During my unnecessarily prolonged internment, I had to suffer heavily under the unrelenting orders of the Local Government. An irretrievable loss has been caused to my already failing health on account of the insanitary conditions prevailing at the places of my internment. I suffered good many losses in my business, my sentiments were shocked.

To add to all this, my internment touched my pocket heavily and I was compelled to spend large sums to keep myself comfortable at different places where I was ordered to rot.

For all these various privations and actual expenses, no compensation has been awarded to me as yet.

Will you kindly let me know at your earliest convenience the scheme your Government are going to adopt to recompensate me for my troubles and losses, etc.

Copy of a memorandum No. 88-Camp, dated the 3rd February 1921, from the Deputy Commissioner, Peshawar, to Amir Chand Bambwal, Peshawar City.

Your letter of the 27th January 1921 to the Chief Secretary to the Chief Commissioner, has been transferred to me, as your representation should have been addressed to me and not to the local Administration. I am authorised to remind you that you were granted an allowance which was considered adequate for yourself and your family during the period of your internment, and to inform you that your request for compensation cannot be entertained.

Copy of a letter dated the 17th December 1923, from Amir Chand Bambwal, Peshawar City, to the Deputy Commissioner, Peshawar.

In accordance with letter of your office No. 88, dated the 3rd February 1921, I have the honour to submit that internment compensation for seven months be kindly given to me at an early date and oblige. I shall be anxiously awaiting your reply.

Copy of a memorandum No. 156-P., dated the 15th January 1924, from the Deputy Commissioner, Peshawar, to Amir Chand Bambwal, Peshawar City.

With reference to his application dated the 17th December 1923, Amir Chand Bambwal is informed that the case of his claim for compensation which has once been settled cannot be reopened.

Copy of a letter dated the 31st January 1924, from Amir Chand Bambwal, Peshawar City, to the Deputy Commissioner, Peshawar.

With reference to your memorandum No. 88-Camp, dated 3rd February 1921, and memorandum No. 156-P., dated 15th January 1924, I beg to submit that my letter dated 27th January 1921 and 17th December 1923, have been ignored. It is incorrect that you have stated in your first named letter that I was granted an allowance which the Government had considered adequate for myself and my family during the period of my internment in the year 1920. I never got a penny of any of my expenses that I had incurred. Although I was supposed to travel to my several places of internment, yet this is a fact that I paid for my railway fares, etc., I am certainly entitled to the compensation already asked for by me which is just and proper. However I may be paid the allowance which would have been sufficient enough for myself and my family according to my position of life, for which I had applied through Mr. Latimer, the then Deputy Commissioner of Dera Ismail Khan.

I hope my request will be favourably considered, otherwise I would be obliged to undergo the painful necessity of taking legal steps. I am sure that the local Administration have realised their mistake in interning me for the sake of pleasing rather a local "Rais" than for the better administration of this Province.

Hoping to receive a favourable reply by an early date.

Copy of a memorandum No. 646-P., dated the 11th February 1924, from the Deputy Commissioner, Peshawar, to Amir Chand Bambwal, Peshawar City.

With reference to his application dated the 31st January 1924, the attention of Amir Chand Bambwal is invited to this office letter No. 88-Camp, dated the 3rd February 1921, a copy of which is enclosed for facility of reference. I am unable to do anything in the matter.

Copy of a letter dated the 1st April 1924, from Amir Chand Bambwal, Peshawar City, to the Deputy Commissioner, Peshawar.

With reference to our correspondence ending with your memorandum No. 464-P., dated the 11th February 1924, regarding the compensation allowance for my illegal and unjustified internment, I beg to solicit the favour of your kindly supplying me with the copies of two letters addressed by me to you on 17th December 1923 and 31st January 1924.

Before I seek justice in a law court I fully realise the advisability of representing my case to the higher authorities, and for this object the copies of those two letters are urgently needed by me.

I hope you would kindly oblige me by acceding to my request.

Copy of a memorandum No. 1448-P., dated the 14th May 1924, from the Deputy Commissioner, Peshawar, to Amir Chand Bambwal, Peshawar City.

Reference your letter dated the 1st April 1924. A copy of your two letters to my address dated the 17th December 1923 and 31st January 1924 is enclosed.

PAY OF HOSPITAL STOREKEEPERS OF STATION HOSPITALS.

1983. ***Mr. K. G. Lohokare :** (*a*) Is it a fact that before 1920 hospital storekeepers of the station hospitals in India were on the same list as Supply and Transport storekeepers ?

(*b*) Is it a fact that the scales of salaries of the hospital storekeepers—now I. H. C.—and of the Supply and Transport storekeepers—now A. S. C—have been recently revised ?

(*c*) Is it a fact that many hospital storekeepers of long service—persons formerly on the same list as Supply and Transport storekeepers—are now receiving less pay than the former Supply and Transport Storekeepers of the same service, and in some cases even juniors in the Supply and Transport Department are getting more than their former seniors in the I. H. C. for the present, on account of the persons being separated in two cadres in the reorganisation scheme ?

(*d*) Has the anomaly been brought to the notice of the Government by the Departments or the subordinates and what relief have Government proposed to give to the hospital storekeepers ?

Sir Henry Moncrieff Smith : (*a*) No. Prior to 1918, hospital storekeepers, though controlled by the Supply and Transport authorities, were not borne on the same list as storekeepers of the Supply and Transport Corps.

(*b*) The salaries of storekeepers of the Indian Hospital Corps have not, so far, been revised ; those of storekeepers of the Supply and Transport Corps (now designated the Indian Army Service Corps) have recently been revised.

(*c*) It is a fact that the rates of pay drawn by storekeepers of the Indian Hospital Corps are lower than those drawn by storekeepers of the Indian Army Service Corps.

(*d*) Proposals for the revision of the pay of storekeepers of the Indian Hospital Corps are under consideration and it is hoped that a decision thereon will be reached shortly.

MEMORIAL FROM THE INDIAN MERCHANTS' CHAMBER, BOMBAY, REGARDING THE INTRODUCTION OF AN EFFECTIVE GOLD CURRENCY IN INDIA.

1984. *Khan Bahadur Sarfaraz Hussain Khan : Will the Government be pleased to state :

(*a*) whether they have received a memorial on the subject of introducing an effective gold currency in India from the Indian Merchants' Chamber, Bombay ?

(*b*) If they have, will they please lay a copy of it on the table ?

The Honourable Sir Basil Blackett : (*a*) and (*b*) The Indian Merchants' Chamber have been addressing the Government from time to time on the general question of currency and exchange and I believe the correspondence has been appearing in the press. If the Honourable Member requires a copy of any particular representation, I will arrange to supply it to him.

APPOINTMENT OF A SUCCESSOR TO SIR EDWARD COOK, SECRETARY TO THE HIGH COMMISSIONER FOR INDIA.

1985. *Khan Bahadur Sarfaraz Hussain Khan : (*a*) Is it a fact that Sir Edward Cook, Secretary to the High Commissioner for India is vacating his post very soon ?

(*b*) If so, when ?

(*c*) In whom is the power vested of appointing his successor ?

The Honourable Sir Charles Innes : (*a*) and (*b*) Sir Edward Cook vacated his post a few days ago.

(*c*) The Government of India.

DELAY IN THE DELIVERY OF MONEY ORDERS.

1986. *Khan Bahadur Sarfaraz Hussain Khan : (*a*) Has the attention of Government been drawn to the letter, published in the issue of the *Amrita Bazar Patrika* of the 1st August 1924, page 8, under the heading " A money order horribly delayed " ?

(*b*) If so, will they please state if the facts stated therein are correct ?

(*c*) If correct, do Government propose to issue instructions directing the authorities concerned to put a stop to the practice of keeping back money orders ?

Mr. H. A. Sams : (*a*) Yes.

(*b*) No. The delay in payment was due to the money order having been held in deposit at the post office under instructions from the payee, who was temporarily out of Calcutta.

(*c*) does not arise.

INCONVENIENCE CAUSED TO RAILWAY PASSENGERS TRAVELLING BY THE LINE FROM SANTAHAR TO PARBATIPUR ON THE EASTERN BENGAL RAILWAY.

1987. *Khan Bahadur Sarfaraz Hussain Khan : (*a*) Has the attention of Government been drawn to the letter, published in the issue of the *Forward* of the 2nd August 1924, page 11, under the heading " Inconvenience of railway passengers ", in connection with the broad gauge line from Santahar to Parbatipur ?

(*b*) If so, will they please state whether the statements made therein are correct ?

(*c*) If correct, do Government propose to issue instructions to the authorities concerned to remove the complaints referred to ?

Mr. A. A. L. Parsons : (*a*) Government have seen the letter referred to.

(*b*) and (*c*) Inquiry is being made and the information will be furnished to the Honourable Member in due course.

REVISION OF THE PAY OF POSTAL INSPECTORS AND SUPERINTENDENTS' HEAD CLERKS, BIHAR AND ORISSA.

1988. ***Khan Bahadur Sarfaraz Hussain Khan** : Is it not a fact that the maximum pay of postal Inspectors and Superintendents' Head Clerks (B. and O.) before the revision of pay in 1920 was Rs. 150 and that it has been revised to Rs. 175 only ?

Mr. H. A. Sams : Prior to the revision of pay in 1920 the appointments of Inspectors of Post Offices and Head clerks to Superintendents of Post Offices in the Bihar and Orissa Circle were graded as follows :—

8 on Rs. 60.
11 on Rs. 80.
9 on Rs. 100.
5 on Rs. 100—10—150.

All of the appointments are now on a time-scale of Rs. 100—5—175.

REVISION OF THE PAY OF INSPECTORS OF POST OFFICES.

1989. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Is it not a fact that the pay of postal Inspectors is far below that fixed for Inspectors in several other Departments of the Government such as Police and Railway ?

(*b*) If so, do the Government propose to revise the pay of the Inspectors of Post Offices to bring it to the standard of that of the Inspectors of other Departments ?

(*c*) If not, why not ?

The Honourable Mr. A. C. Chatterjee : (*a*) Yes. This is generally correct, though, of course, the work and responsibilities of Inspectors in different departments are not comparable.

(*b*) and (*c*) Government are of opinion that the existing scale of pay for Inspectors of Post Offices is adequate, and do not, therefore, propose to revise it.

GRANT OF DUTY ALLOWANCE TO HEAD CLERKS OF POSTAL SUPERINTENDENTS.

1990. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Is it a fact that various Provincial and All-India Postal and R. M. S. Conferences have recommended " Duty Allowance " to the Head Clerks of postal Superintendents in addition to some official recommendations for the same ?

(*b*) If so, will the Government be pleased to state whether they are prepared to give effect to this recommendation ; and if so, when ?

The Honourable Mr. A. C. Chatterjee : (*a*) Yes.

(*b*) Government are not prepared to give effect to this recommendation.

FIRST CLASS HEAD POST OFFICES IN BIHAR AND ORISSA.

1991. *Khan Bahadur Sarfaraz Hussain Khan : (a) Is it a fact that there is not a single 1st Class Head Post Office in the Province of Bihar and Orissa ?

(b) If so, will the Government be pleased to state if they intend to establish one in the Province, even on its present pay and without extra expenditure to Government ?

(c) If not, why not ?

(d) Do 1st Class Head Post Offices exist in the Provinces of Bengal, the United Provinces, the Punjab, Bombay and Madras ?

Mr. H. A. Sams : (a) Yes.

(b) No.

(c) Because no post office in Bihar and Orissa is at present of sufficient importance to rank as a first class Post Office.

(d) Yes.

I would explain for the information of the Honourable Member that the distinction between first and second class Head Office is purely administrative. The functions with respect to the public are the same. I would draw the attention of the Honourable Member to the replies given to Mr. Rangaswami Iyengar's questions Nos. 1836 and 1838.

ESTABLISHMENT OF A DEAD LETTER OFFICE IN BIHAR AND ORISSA.

1992. *Khan Bahadur Sarfaraz Hussain Khan : (a) Is it a fact that there is no Dead Letter Office in the Bihar and Orissa circle and that the unclaimed and undecipherable letters of Bihar and Orissa are therefore sent to Calcutta ?

(b) If so, do the Government propose to establish one in the Province of Bihar and Orissa ?

(c) Do Dead Letter Offices exist in the United Provinces, the Punjab, Bombay and Madras ?

Mr. H. A. Sams : (a) Yes.

(b) The question of establishing a separate Dead Letter Office for Bihar and Orissa has already been the subject of careful consideration. A separate Dead Letter Office at Patna is not desirable from an administrative point of view, and there would be no justification for the additional expenditure which would be involved. Further a Dead Letter Office at Patna would be of use for Bihar alone, for Orissa and other parts of the circle are in quicker mail communication with Calcutta than with Patna.

(c) Yes.

PAYMENT OF EXTRA REMUNERATION TO POSTAL OFFICIALS FOR WORK ON SUNDAYS AND HOLIDAYS.

1993. *Khan Bahadur Sarfaraz Hussain Khan : (a) Is it not a fact that the postal officials have to work all the seven days of the week ?

(b) If so, are the Government prepared to pay extra remuneration to those officials who have to perform extra duties on Sundays and other holidays ?

The Honourable Mr. A. C. Chatterjee : (*a*) The exigencies of the service require the attendance on Sundays and Post Office holidays of a small proportion of the clerical staff employed in Post Offices ; but as far as possible, this work is divided among the staff by rotation.

(*b*) The performance of a certain amount of work on Sundays and Post Office holidays, without extra remuneration, has always been one of the ordinary conditions of service in the Postal Department and Government do not propose to make any change in this respect.

Diwan Bahadur T. Rangachariar : May I ask, Sir, if the Government are aware that there is no Sunday delivery in England ?

The Honourable Mr. A. C. Chatterjee : Yes, Sir.

Diwan Bahadur T. Rangachariar : Why should we not adopt the same practice here ?

The Honourable Mr. A. C. Chatterjee : We shall consider adopting that practice in Madras first.

CHARTERED AND INCORPORATED ACCOUNTANTS AND AUDITORS HOLDING CERTIFICATES UNDER SECTION 144 OF THE INDIAN COMPANIES ACT.

1994. ***Mr. C. S. Ranga Iyer :** (*a*) Will the Government be pleased to state whether there is any difference in the privileges enjoyed by the Chartered or Incorporated Accountants practising in India and those of the Auditors holding certificates granted under section 144 of the Indian Companies Act, VII of 1913 ?

(*b*) Is it a fact :

(*i*) that the Government have no control whatsoever over the Chartered or Incorporated Accountants practising in India ?

(*ii*) that the Government can withdraw certificates from Government Certified or Diplomaed Accountants without the auditor concerned having right of appeal ?

(*iii*) that the Chartered or Incorporated Accountants can take and train (1) two apprentices at all times without the permission of any authority in India and (2) as many as four apprentices with special permission of the Local Government concerned ?

(*iv*) that Government Certified Auditors cannot take and train any apprentices unless they obtain the previous permission of the Local Government concerned and even after obtaining necessary permission they cannot take and train more than two apprentices at a time ?

(*c*) Are the Government prepared to consider the advisability of taking necessary steps to remove the distinction referred to in (*b*) ?

The Honourable Sir Charles Innes : (*a*) Section 144 of the Indian Companies Act requires that an auditor should hold a certificate from the Local Government, but the proviso to the section empowers the Governor General in Council to exempt the members of any institution or association.

(*b*) (*i*) No. The Government can at any time withdraw the exemption.

(*ii*) Yes.

(*iii*) Yes.

(*iv*) Yes.

(*c*) The amendment of the regulation is now under consideration.

RECRUITMENT OF INCOME-TAX OFFICERS.

1995. *Mr. C. S. Ranga Iyer: (*a*) Will the Government be pleased to state the method of recruitment adopted in the case of officers of the Income-tax Department ?

(*b*) Is it a fact that hitherto Government have not shown preference to either Government Certified or Diplomaed Accountants or B. Coms. with Accounting (including Income-tax Law) as a special subject ?

(*c*) Are Government prepared to consider the advisability of recruiting persons with special qualifications of accounting only for future appointments of officers and Assistant Commissioners of Income-tax in the various Provinces ?

The Honourable Sir Basil Blackett: (*a*) I may refer the Honourable Member to section 5 (4) of the Income-tax Act, 1922, and paragraph 22 (2) on pages 80-81 of the Income-tax Manual. The appointments of Assistant Commissioners of Income-tax and Income-tax officers are made by the Commissioners of Income-tax with the approval of the Local Government concerned.

(*b*) The Government have no detailed information but they do not doubt that in making their selection, the Commissioners of Income-tax give due consideration to the fact that a particular candidate possesses the qualifications named by the Honourable Member.

(*c*) The Government do not think that it is necessary to issue any special instructions in this matter. They doubt whether it would be desirable to restrict the field of recruitment as suggested. It is also doubtful whether a sufficient number of suitable candidates with the qualifications mentioned would be forthcoming.

CHARTERED, INCORPORATED, AND GOVERNMENT CERTIFIED ACCOUNTANTS EMPLOYED IN THE INCOME-TAX DEPARTMENT.

1996. *Mr. C. S. Ranga Iyer: Will the Government be pleased to state the number of Chartered, Incorporated, Government Certified Accountants at present employed as Commissioners, Assistant Commissioners and Income-tax officers in each province of India ?

The Honourable Sir Basil Blackett: The information is being called for.

FILING OF RETURNS BY ASSESSEES TO INCOME-TAX.

1997. *Mr. C. S. Ranga Iyer: Will the Government be pleased to ascertain and state whether it is a fact that the work of assessment in Income-tax offices is greatly facilitated in the case of assessees who file their returns of income duly certified by competent professional auditors ? If so, are the Government prepared to consider the advisability of issuing instructions making it more incumbent upon assessees to utilise the services of practising professional auditors in the preparation of their return of Income ?

The Honourable Sir Basil Blackett: The Government have no doubt that the work of assessment to income-tax is greatly facilitated when an assessee files a return of his income accompanied by a balance-sheet and a profit and loss statement and a statement showing how the figure entered in the return has been arrived at, all certified by a competent and reliable auditor. The policy of the Income-tax Department is to encourage

assessees to file such statements but it has no means of compelling them to do so. A great advance will have been secured when all assessees file returns of their incomes as they are required to do by the provisions of the Income-tax Act.

RETURNS FURNISHED BY ASSESSEES TO INCOME-TAX.

1998. *Mr. C. S. Ranga Iyer : (*a*) Is it a fact that according to Instruction No. 64 issued by the Government of India (Board of Revenue) under section 22 (4) of the Income-tax Act of 1922, it is prescribed (*i*) that in cases "where a statement of profit and loss filed by an assessee has been certified as correct and complete by a professional accountant, the Income-tax officers should, unless he sees reasons to the contrary, accept the statement as correct and complete with regard to facts mentioned in it"; and (*ii*) that in cases where the Income Tax Officer has to call for the details as to how various figures shown in the profit and loss account are arrived at, "the Income-tax officers should call on the accountant himself when authorised by the assessee to appear on his behalf to supply the details" ?

(*b*) Will the Government please ascertain and state how far the provisions referred to in (*a*) are being given effect to by the Income-tax officers in the various provinces in India ?

(*c*) Will the Government state how many accounts and how many returns certified by professional accountants have been accepted as true and correct in each of the three provinces of the United Provinces, Delhi, and the Punjab during the last two years ?

The Honourable Sir Basil Blackett : (*a*) (*i*) The Honourable Member is evidently quoting from paragraph 6 of the instructions on page 105 of the Income-tax Manual. These do not direct that a profit and loss statement certified by any professional accountant should be accepted by an Income-tax officer in the absence of reasons to the contrary, but that a profit and loss statement filed by an assessee certified as correct and complete by an accountant who the Income-tax officer knows from experience can be relied upon to give accurate figures should be accepted as correct and complete so far as it goes in the absence of reasons to the contrary. The instructions go on to say that the income-tax officer will frequently have to call for details showing how the figures have been arrived at.

(*a*) (*ii*) Yes.

(*b*) The Government see no reason to doubt that full effect is being given to these instructions and do not propose to call for a special report on the subject.

(*c*) An immense amount of labour would be involved in the collection of the information asked for and since, further, the figures, if compiled, would be of little or no value without a detailed knowledge of each individual case, the Government do not propose to call for them.

MEMBERS OF THE ACCOUNTANCY DIPLOMA BOARD, BOMBAY.

1999. *Mr. C. S. Ranga Iyer : (*a*) Is it a fact that the Accountancy Diploma Board, Bombay, was constituted by the Bombay Government

under the authority of the Government of India and holds examinations throughout India ?

(*b*) Is it not a fact that there are only two professional accountants—one Chartered and one Incorporated accountant as members of the Accountancy Diploma Board, out of seven members and the other five do not belong to the accountancy profession ?

(*c*) Are the Government aware of the fact that the accountancy profession is controlled by the members of the profession themselves through the Associations or Institutes chartered or incorporated by or under the Acts of legislatures in Great Britain, Canada, Natal, and New Zealand ?

(*d*) Will the Government please state the reason for the appointment of those as members of the Accountancy Diploma Board, who are not members of the profession if the reply to (*b*) referred to above is in affirmative ?

The Honourable Sir Charles Innes : (*a*) Yes.

(*b*) Yes.

(*c*) Government are aware that this is the case in Great Britain, but has no information regarding Canada, Natal and New Zealand.

(*d*) The constitution of the Accountancy Diploma Board was part of a scheme to utilise the Sydenham College of Commerce and Economics at Bombay as a central examining body for conducting examinations and for awarding a diploma in accountancy, which would be recognised by Local Governments as a basis for the grant of Auditor's certificates, and which would command the confidence of commercial firms. The Board is constituted as follows :

The Director of Public Instruction, Bombay,
The Principal of the Sydenham College of Commerce,
The Secretary of the Imperial Bank,
Two Accountants,
Two experts in commercial law.

RECTIFICATION OF IRREGULARITIES IN INCOME-TAX ASSESSMENT.

2000. ***Mr. C. S. Ranga Iyer :** (*a*) Has the attention of the Government been invited to the judgment of the Calcutta High Court, in the matter of a petition of Bishnu Priya Chowdharani and in regard to the Income-tax reference published in the *Indian Accountant*, Lahore, for April 1924, 65, and reported in the *Indian Law Reports*, 50, Calcutta, 1923, 907, in which the Commissioner of Income-tax, Bengal, refused to state a case for the High Court ?

(*b*) Is it not a fact that on reference to the Calcutta High Court under section 66 (3) of the Indian Income-tax Act of 1922 for a *Mandamus*, it was held that the assessment was bad and should be cancelled ?

(*c*) Has the attention of the Government been invited to the case of the Honourable Mr. S. Sinha, Executive Member of the Bihar and Orissa Government, in which the Commissioner of Income-tax, Bihar and Orissa, refused to state a case for the High Court, Patna, and on application by the assessee to the High Court the case was decided in the favour of assessee ?

(*d*) If the reply to (*a*), (*b*) and (*c*) referred to above is in affirmative, will the Government be pleased to state the steps that have been taken to avoid the miscarriage of justice in case of small assessees ?

The Honourable Sir Basil Blackett : (*a*), (*b*), (*c*) and (*d*). Answer to parts (*a*), (*b*) and (*c*) is in the affirmative. With regard to part (*d*) the Income-tax Act, 1922, already provides ample means by which any assessee can secure the rectification of any mistake or irregularity in assessment.

IMPRISONMENT OF INDIAN SEAMEN AT LIVERPOOL.

2001. ***Mr. Abdul Haye** : (*a*) Are the Government aware that 34 Indians, part of the crew of the " City of Venice ", were sentenced to undergo 21 days' imprisonment at Liverpool on the 30th July last ?

(*b*) If the Government have any information on the subject, will they state what was the nature of the offence with which they were charged ?

(*c*) Whether these 34 Indians had sufficient means and opportunity to defend themselves in a foreign country ?

(*d*) After the expiry of the period of sentence were these 34 men retained or were they discharged ?

(*e*) If they were discharged were they expatriated ? If so at whose cost ?

(*f*) Is it a fact that these Indians had certain grievances against the *serang* ? Were they inquired into ? If so with what result ?

(*g*) Are any papers forthcoming regarding the inquiry made by the captain into the complaint against the *serang* ?

The Honourable Sir Charles Innes : (*a*) Yes.

(*b*) The men were charged with the offence of disobeying lawful commands and were presumably convicted under Section 225 of the English Merchant Shipping Act of 1894.

(*c*) The Government have no information beyond a newspaper report, which states that they were assisted by a police-sergeant, who had served for many years in India and understood Hindustani, in putting their defence before the court.

(*d*) and (*e*). It is not known what happened to the men after the expiry of the period of their sentence, but I may inform the Honourable Member that under the provisions of the English Merchant Shipping Act, special arrangements are made for the repatriation of destitute Indian seamen to India. Either they are provided with engagements on ships returning to India or they are provided with passages to India.

(*f*) The firemen's defence was that the *serang* had ill-treated them. On the other side, it was alleged that the 1st *tindal* was trying to oust the *serang*. The Magistrate found that the complaint against the *serang* was not a just one, but had been manufactured for the purpose of creating trouble. An inquiry was also held by the Chief Superintendent, Mercantile Marine Office, Liverpool, who came to the same conclusion.

(*g*) No.

Diwan Bahadur T. Rangachariar : Will the Government be pleased to issue instructions to the High Commissioner for India to keep a watch on such cases ?

The Honourable Sir Charles Innes : I will certainly consider that point, Sir, but as a matter of fact at home they have certain officers called Lascar Transfer Officers who do, I think, watch cases of this kind.

Mr. K. Ahmed : Do the Government propose to inquire into the matter as to whether these people are repatriated or their passages paid as laid down by the provisions of the English Merchant Shipping Act ?

The Honourable Sir Charles Innes : I think the Honourable Member need have no apprehensions on that point. As I have already stated in my reply there are special officers who are kept for the purpose of looking after these people. The provisions of the English Merchant Shipping Act require that special arrangements should be made for their repatriation, and they are either provided with engagements on ships returning to India or with passages to India. There is no necessity for making any inquiry for the Honourable Member may take it for certain that the provisions will be carried out.

Mr. W. S. J. Willson : Does a sentence automatically cancel the articles of a seaman ?

The Honourable Sir Charles Innes : I must have notice of that question.

RISE IN COST OF LIVING OF EUROPEANS IN INDIA BETWEEN 1914 AND 1923, ETC.

2002. *Mr. **B. Venkatapatiraju** : (*a*) Is it a fact as stated by Lord Olivier in the House of Lords that while the rise in the cost of living of Europeans in India between 1914 and 1923 was at least 60 per cent., the average increase of the pay of the Services taking a man's pay throughout the period of service was about 20 per cent. and in the case of I. C. S. the increase was 10 per cent. ?

(*b*) Will the Government be pleased to state what was the pay of the Government officers of the Superior Services in 1914 and what was the increase in emoluments since till now ?

(*c*) Will the Government be pleased to state whether the cost of living of people in general was increased during the said period and whether the income was correspondingly increased ?

(*d*) Will the Government be pleased to state whether the Government propose to apply the same principle to low paid officials in Government service ?

The Honourable Sir Basil Blackett: (*a*) The percentages quoted may, in the opinion of Government, be taken as being approximately correct.

(*b*) The Honourable Member's attention is invited to the statement laid on the table in response to Mr. M. K. Reddi Garu's question No. 227 on pages 319-334 of the Legislative Assembly Debates, Volume II, Part I, Nos. 1-6. The figures there given are for the years 1917 and 1921, but the pay of the Superior Services in 1914 was practically the same as that drawn in 1917, while the scales now in force vary but slightly from those prevailing in 1921.

(*c*) There was undoubtedly a rise during the period in question in the general cost of living. Government are not in a position to say how far increases in income corresponded with that rise.

(*d*) It is not clear what principle the Honourable Member has in mind. There has already been a general revision of the pay of the subordinate services in consideration of the rise in the cost of living.

Mr. B. Venkatapatiraju : Are the Government aware that the Madras Retrenchment Committee has stated that the increase of pay of the Indian Civil Service is 21 per cent. ?

The Honourable Sir Basil Blackett : I am not aware of it but it may be true for Madras. If the Honourable Member will give me a reference I will have it inquired into.

EXEMPTION FROM CUSTOMS DUTY OF MATERIALS FOR UNIFORMS OF MILITARY OFFICERS.

2003. ***Mr. W. S. J. Willson** : (*a*) With reference to Notification No. 2971 published at page 641 of Gazette of 12th July 1924, exempting from import duty articles for the use of any unit of H. M.'s regular forces :

" Uniforms and parts thereof and materials for their manufacture and repair "

is it the intention of Government that British officers shall not be entitled to the exemption and that undress uniforms shall not be exempted ?

(*b*) Are Government aware that the Collector of Customs, Bombay, only exempts articles when they are for the use of the rank and file, N. C. Os. and Indian officers not holding the King's commission, and that officers whether British or Indian holding the King's commission are only entitled to exemptions on uniform but not on materials for uniform ?

(*c*) As cloths for certain Full Dress and Mess Dress and serge are only obtainable in England, will Government please state the reasons for this distinction ?

The Honourable Sir Basil Blackett : (*a*) and (*b*). The replies are in the affirmative.

(*c*) The exemption on uniforms, etc., is granted under two separate notifications—2971, dated 12th July 1924, and 583-S.R., dated 26th January 1904. Under the former both uniforms and materials for uniforms are free from payment of customs duty if imported by units, *i.e.*, for the non-commissioned officers and men. Under the latter which applies to imports by officers (holding the King's commission) only, only uniforms (and not the materials) are exempt. Undress uniforms are not exempt.

The lists were drawn up in consultation with the military authorities in 1904 and it was definitely understood that the lists were not to be added to, however logical the additions might appear. The Government see no reason to depart from that decision.

Mr. W. S. J. Willson : Is it the intention of the Government that British officers should be handicapped as compared with Indian officers ?

The Honourable Sir Basil Blackett : That seems to be a question to which the reply should be in the argumentative.

DISCONTENT AMONG ARMY OFFICERS *re* DEDUCTIONS FROM THEIR PAY.

2004. ***Mr. W. S. J. Willson** : (*a*) Are Government aware that there is considerable discontent amongst Army Officers at the deductions and cuts which are alleged to be continually made from their pay ?

(*b*) Are Government aware that an officer claiming out of pocket expenses is frequently referred to another Department (sometimes more than one for separate portions of the amount due) and has therefore to wait for months before obtaining reimbursement ? If so, do Government propose to take steps for the removal of the grievance ?

Mr. E. Burdon : (*a*) Government have no information which would lead them to believe that the fact is as stated by the Honourable Member. The only deductions and cuts which are made from the pay of officers are in respect of recoveries of overissues of pay and allowances or of debts due to Government by the officers concerned. Such recoveries are usually effected by instalments.

(*b*) Government do not admit that undue delay occurs in the settlement of claims for 'out of pocket' expenses which are covered by rule. They have on the contrary reason to believe that the disbursement of personal claims in the Military Department has been much accelerated as the result of changes of system introduced since the war. If however the Honourable Member will give me particulars of the concrete cases on which his general allegations are based, the matter will receive further and careful attention.

ABOLITION OF POSTS OF HEAD ASSISTANTS IN THE INDIAN ARMY SERVICE CORPS.

2005. ***Mr. Ismail Khan** : Will the Government be pleased to state why the posts of Head Assistants in the Indian Army Service Corps have been abolished ?

Mr. E. Burdon : When the graded scale which formerly existed was replaced by a time-scale, it was not considered necessary in addition to have special rates of pay for Head Assistants.

PAY OF CLERKS OF THE INDIAN ARMY SERVICE CORPS.

2006. ***Mr. Ismail Khan** : Will the Government be pleased to state whether any decision has been arrived at on the points raised in the questions put by Sardar Bahadur Capt. Hira Singh at the meeting of the Assembly on Monday the 18th February 1924 regarding the pay of clerks of I. A. S. C. ; if not, when is a decision likely to be reached ?

Mr. E. Burdon : The points raised in the question referred to by the Honourable Member are still under consideration and I cannot say exactly when a decision will be reached.

REVISION OF THE PAY OF THE CLERICAL ESTABLISHMENT OF THE MILITARY ACCOUNTS DEPARTMENT.

2007. ***Mr. Ismail Khan** : Will the Government of India be pleased to state whether they have received representations for the increase of pay of the clerical establishment of the Military Accounts Department over and above the increase that they have already received by the revision of pay sanctioned in October 1920, with retrospective effect from 1st April 1920, on the grounds that the Government of India have recently sanctioned a liberal scale of pay for the civil accounts clerks and that the military accounts clerks who are liable to field, foreign and general service unlike their companions in the Civil Department should be more liberally paid than the latter ?

The Honourable Sir Basil Blackett : The answer is in the affirmative.

CASUALTIES AMONG CLERKS OF THE INDIAN ARMY SERVICE CORPS AND THE MILITARY ACCOUNTS DEPARTMENT DURING THE LATE WAR.

2008. ***Mr. Ismail Khan** : Will the Government of India be pleased to state the number of casualties (*i.e.*, killed, wounded, taken prisoners of

war or died of diseases distinctly attributed to field service) that have occurred during the late war among the clerks of the I. A. S. C. and the Military Accounts Department, separately ?

Mr. E. Burdon : So far as information is available, the total number of casualties that occurred amongst clerks of the Indian Army Service Corps and the Military Accounts Department during the late war are as follows :—

Indian Army Service Corps	..	.. 203
Military Accounts Department	..	.. 35

PAY OF CLERKS OF THE INDIAN ARMY SERVICE CORPS.

2009. ***Mr. Ismail Khan :** (*a*) Will the Government of India be pleased to state why it is not possible for the clerks of the I. A. S. C. to receive the same liberal treatment at least (if not more) as the clerks of the Military Accounts Department in the matter of revision of their pay (*i.e.*, the I. A. S. C. clerks of the lower division to receive the same pay and yearly increments as the clerical establishment of the M. A. D. and the I. A. S. C. upper division clerks to receive the same pay and annual increments as the accountants and supervising clerks of the M. A. D.) ?

(*b*) Is it a fact that the I. A. S. C. clerks are in a larger measure liable to be moved from place to place in the area between the Himalayas and the Nilgiris and Baluchistan and Burma to speak nothing of foreign service in Aden and Mesopotamia ?

Mr. E. Burdon : (*a*) Accountants of the Military Accounts Department correspond to Superintendents or supervising clerks in administrative offices. The rates of pay fixed for upper division clerks of the Indian Army Service Corps are not as liberal as those of accountants of the Military Accounts Department because the clerks do not possess such high educational and technical qualifications as are required of the accountants and also because there is no similarity between the two services. The clerks of the Military Accounts Department correspond to both the upper and lower division clerks in administrative offices. The rates of pay of the ordinary grade of the clerks of the Military Accounts Department are at present exactly the same as those allowed to the lower division clerks of the Indian Army Service Corps.

(*b*) No. The agreements executed by the two classes of clerks are identical.

GRADING OF CLERKS OF THE INDIAN ARMY SERVICE CORPS.

2010. ***Mr. Ismail Khan :** (*a*) Will the Government of India be pleased to state if, with the exception of 10 serving Head Assistants, there is any prospect for any upper or lower division clerks on the present Cadre retiring on the maximum pay of Rs. 375 per mensem after 30 years approved service in the I. A. S. Corps ?

(*b*) If not, will the Government be pleased to state what was the object in fixing that maximum limit and if, in revising the present rates of pay they will consider the desirability of altering the grading to admit of all deserving clerks reaching the maximum before retirement ?

Mr. E. Burdon : (*a*) and (*b*). It is not possible to say what the position of any particular clerk of the present cadre will be on his retirement as this will depend upon several factors, *e.g.*, his present position in

the Corps, his efficiency, the number of casualties that may occur among the clerks senior to him, etc.

The question of the grading of the present clerks is a matter which is receiving the attention of the Government of India at present.

SCALE OF INCREMENTS OF CLERKS OF THE INDIAN ARMY SERVICE CORPS.

2011. *Mr. Ismail Khan : (*a*) Is it a fact that at the present scale of increment a lower division clerk of the I. A. S. C. can reach the maximum pay of that division only on the 30th year of his service ? and cannot, therefore, get the full pension on retirement on completion of service ?

(*b*) If the reply to the above question is in the affirmative are the Government of India prepared to consider the advisability of fixing increments at a scale which will enable a lower division clerk to draw the full pension on retirement after completing service ?

(*c*) Are Govt. aware that the rates of pay introduced in Army Instructions (India) No. 863 of 1923 have further curtailed the future prospects of many serving clerks and that in consequence they prefer to remain under the rules in force prior to the introduction of the revised scale of pay ? If so, do the Government intend to allow those clerks to remain under the old rules in accordance with Note 2 to Article 4, C. S.R.?

Mr. E. Burdon : (*a*) A clerk who joins the lower division and remains in it during the whole of his service would, on the completion of his 30th year of service, reach the maximum pay of that division provided he did not suffer any loss of increments through inefficiency or other causes. He would not, therefore, get the full pension based on that maximum unless he completes 33 years' service.

(*b*) It is not at present proposed to alter the scale of increments in the lower division, which was arrived at after very careful consideration.

(*c*) This matter is receiving the attention of Government.

UPPER AND LOWER DIVISION CLERKS OF THE INDIAN ARMY SERVICE CORPS.

2012. *Mr. Ismail Khan : Will the Government of India be pleased to state if it is a fact that at present there are a number of clerks in the 5th and 6th grades of the old upper division of the I. A. S. C. who are drawing less pay than their juniors in the lower division through the introduction of a faulty system of promotion from the 6th to the 5th grade ? If so, are the Government prepared to issue orders to the effect that these clerks will not draw less pay than their juniors in the lower division as the 5th and 6th grade clerks of both the old upper and lower divisions will be merged in the new lower division ?

Mr. E. Burdon : Although it is possible that cases such as those instanced by the Honourable Member may occur, yet this will not be due to the system of promotion. The situation is as follows :

Prior to the reorganisation introduced in 1923, the clerical establishment of the Indian Army Service Corps consisted of two separate divisions, namely,

(*a*) An upper division which consisted of 6th grade clerks at Rs. 30 to head assistants, whose maximum pay was Rs. 300.

This division was reserved for men of good educational attainments ; and

(*b*) A lower division of two grades, namely, 6th and 5th grades. The 6th grade clerk received Rs. 30 while the maximum of the 5th grade was Rs. 50. This division was for men of lower educational qualifications employed on copying and routine work.

The divisions were separate for promotion purposes and consequently it might so happen that a lower division clerk who had joined the Indian Army Service Corps later than an upper division clerk, would reach the 5th grade of his division at an earlier date ; the upper division man, however, would reach a higher rate of pay eventually.

Under the reorganisation scheme, all serving clerks were given an initial rate of pay based on their salary on the 1st September 1923. The lower division now embraces, amongst others, all the clerks who previously were in the 5th and 6th grades of the old upper division as well as those who were in the old lower division. The clerk of the old upper division, however, can now rise to a maximum salary of Rs. 375 whereas the old lower division clerk can only rise to a maximum of Rs. 150 per mensem.

In the circumstances, Government do not propose to issue any such orders as those suggested by the Honourable Member.

BOARDING ARRANGEMENTS FOR INDIAN SUPERIOR PERSONNEL OF THE INDIAN ARMY SERVICE CORPS WHILE ON FIELD SERVICE.

2013. *Mr. Ismail Khan : Will the Government of India be pleased to state if it is a fact that under the new War Establishments, 1923, Indian superior personnel of the I. A. S. C. are not authorised to take private servants with them on field service, and if this is correct what arrangements will be made by Government for boarding of these personnel while serving in the field ?

Mr. E. Burdon : The personnel in question are not authorised to take private servants with them on field service. To meet necessary requirements, arrangements will be made by the Commanding Officer at the cost of the State.

TRAVELLING ALLOWANCES FOR JOURNEYS BY SEA OF THE INDIAN SUPERIOR PERSONNEL OF THE INDIAN ARMY SERVICE CORPS.

2014. *Mr. Ismail Khan : Will the Government of India be pleased to state the circumstances under which Indian superior personnel of the I. A. S. C. are allowed 3rd class sea passages when in receipt of pay not exceeding Rs. 200 per month ; what has been the guiding principle in fixing that limit of pay and if it is in accordance with the scales of passages allowed to civilian personnel of other departments such as the Posts and Telegraphs and the Military Accounts Departments ?

Mr. E. Burdon : All civilians, whose pay does not exceed Rs. 200 per mensem, are not ordinarily eligible for 2nd class accommodation either by sea or by land. The limit of pay is based on the supplementary rules to the Fundamental Rules and applies to the civilian personnel of all departments of the Government of India.

PROMOTION OF PROVINCIAL POLICE SERVICE OFFICERS TO LISTED POSTS IN THE IMPERIAL POLICE.

2015. *Haji S. A. K. Jeelani : (*a*) Are the Government of India aware that there is serious discontent among the officers of the Provincial Police, especially in Madras, in regard to the delay in giving effect to the Secretary of State's order allotting to them a certain number of superior posts in the Indian Police ?

(*b*) Have not the Government of India issued orders to the effect that Provincial Police officers appointed Assistant Superintendents of Police should not have the option to revert to the Provincial Police service in order to secure precedence for the post of Superintendent if such reversion is advantageous to them ?

(*c*) If so, may it be presumed that this rule should be enforced in the case of all vacancies of Superintendents reserved for Provincial Police officers occurring after the date of the Government of India's orders referred to above, now with a view to give some relief to the Provincial Police officers ?

(*d*) If the answer to the above is in the affirmative, do the Government of India propose to communicate it to all Local Governments ?

The Honourable Sir Alexander Muddiman : (*a*) The Government of India have no reason to believe that any unavoidable delay, consistent with the rights of existing members of the Imperial Service, has occurred in giving effect to the orders referred to. Out of a total number of 44 posts open under the scheme to officers of the Provincial Service, 33 have already been filled up and the remaining posts will be filled as opportunity permits.

(*b*) The Government of India issued orders that a Provincial Police Officer promoted to the Imperial Police as an Assistant Superintendent should be treated for purposes of promotion to the rank of Superintendent as a directly recruited officer of the Imperial Police. The position is explained to an officer before promotion and it is open to him to continue in the Provincial Service and take his chances of appointment direct to the rank of Superintendent.

(*c*) and (*d*). The Government of India do not propose to issue any further orders to Local Governments.

INELIGIBILITY OF INDIANS TO HOLD AGRICULTURAL LANDS IN THE HIGHLANDS OF KENYA.

2016. *Dr. H. S. Gour : (*a*) Has the attention of Government been drawn to a statement reported to have been made by Mr. J. H. Thomas, Secretary of State for Colonies on the 7th August to the effect that he had no alternative but to continue the pledges expressed or implied which had been given in the past against permitting Indians to hold agricultural land in the highlands of the Kenya Crown Colony ?

(*b*) Will the Government be pleased to state when and to whom any responsible Minister of the Crown made such pledges ?

(*c*) Will the Government be pleased to state what action it proposes to take to vindicate the right of all King's subjects to equal treatment under the Crown ?

Mr. J. W. Bhore: (*a*) The reply is in the affirmative.

(*b*) The Honourable Member's attention is invited to paragraph 8 of Part II of the White Paper, published as an annexure to Resolution No. 733, dated the 18th August 1923, in the Government of India Gazette Extraordinary, which reviews the history of this question.

(*c*) The Government of India will avail themselves of a suitable opportunity to make further representations.

RULES UNDER THE IMMIGRATION INTO INDIA ACT, 1924.

2017. ***Dr. H. S. Gour**: (*a*) Have the Government made any rules or do they propose to make any rules to give effect to the provisions of Act III of 1924 ?

(*b*) If the answer be in the negative, will they please give their reason for their inaction ?

Mr. J. W. Bhore: (*a*) and (*b*). The Government of India have framed no rules under the Immigration into India Act, 1924, nor do they consider it to be in the public interest at present to do so.

STATEMENT OF THE COLONIAL SECRETARY REGARDING THE LOWLANDS IN KENYA.

2018. ***Dr. H. S. Gour**: (*a*) Has the attention of Government been drawn to the further statement made by the Colonial Secretary regarding the lowlands in Kenya ?

(*b*) Are the Government prepared to accept his proposal and do they propose to appoint an officer to assist in the inquiry therein suggested ?

(*c*) Have the Government accepted the principle of the Colonial Office that while the highlands should be reserved for Europeans the lowlands should be free to all comers ?

Mr. J. W. Bhore: (*a*) The reply is in the affirmative.

(*b*) The Honourable Member will observe from the announcement made by the Right Honourable the Colonial Secretary that the suggestion to depute an officer emanated from the Colonies Committee appointed by the Government of India in March last and that the question of reservation of the lowlands is still in suspense. When it comes up for decision the question of deputing an officer will be considered.

(*c*) The reply is in the negative.

COMMUNAL REPRESENTATION IN KENYA.

2019. ***Dr. H. S. Gour**: (*a*) Will the Government be pleased to state their views regarding the question of communal representation in Kenya ?

(*b*) What is the population of Indians and Europeans in that Colony ? What number of members is each community to return to the Legislature ?

(*c*) Is it a fact that the majority community return only an ineffective minority of members ?

Mr. J. W. Bhore: (*a*) The attention of the Honourable Member is invited to paragraph 4 of the Government of India Resolution No. 733, dated the 18th August 1923, published in a Gazette Extraordinary.

(*b*) and (*c*). The population of Indians is 22,822 and of Europeans 9,651, Indians are at present entitled to return five members and Europeans eleven.

TREATMENT OF INDIANS IN TANGANYIKA.

2020. *Dr. H. S. Gour : (*a*) Are the Government aware that a discrimination unfavourable to Indians is being made even in the mandated territory of Tanganyika ?

(*b*) Have the Indian delegates drawn the attention of the League of Nations to this discrimination ? If so, with what result, if not, why not ?

Mr. J. W. Bhore : (*a*) The Honourable Member presumably refers to the provisions of section 14 of the Profits Tax Ordinance under which traders making a profit of more than £150 per annum are required to keep their accounts in English, French or Swahili.

The Colonies Committee recently made representations in the matter to the Colonial Office whose reply is awaited. In the circumstances part (*b*) does not arise.

Sir Purshotamdas Thakurdas : Do I take it that the Government of India made no representations before the Colonies Committee made their representation referred to by the Honourable Member ?

Mr. J. W. Bhore : Yes, Sir, representations were made before.

Sir Purshotamdas Thakurdas : With what result ?

Mr. J. W. Bhore : The matter was left, I understand, in suspense until the Colonies Committee were able to place the matter personally before the Colonial Office.

Sir Purshotamdas Thakurdas : Surely, the Colonies Committee was only appointed last February and the Government of India must have made their representations a long time before then.

Mr. J. W. Bhore : I cannot say exactly when the representations were made.

KENYA IMMIGRATION ORDINANCE.

2021. *Dr. H. S. Gour : (*a*) Regarding the question of immigration to Kenya is it a fact that the Immigration Ordinance has merely been suspended ?

(*b*) Have the Government insisted upon an assurance being given by the Colonial Office that the Ordinance will at no time be put in force without the consent of the Government of India ?

Mr. J. W. Bhore : (*a*) and (*b*). The position with regard to the Immigration Ordinance is as stated by the Secretary of State for the Colonies in the House of Commons in reply to a question asked by Mr. Mills on the 7th August 1924. Copies of the question and answer have been placed on the table of the House in reply to Mr. B. Venkatapatiraju's unstarred question No. 345. The Honourable Member may rest assured that the Government of India will do all that lies in their power to safeguard Indian interests.

RESULTS ACHIEVED BY THE COLONIES COMMITTEE.

2022. *Dr. H. S. Gour : Will the Government be pleased to make a complete statement of the results achieved by their Colonial Deputation, and the further action taken and which they propose to take upon their report if any has yet been made ?

Mr. J. W. Bhore : For the present I have nothing to add to the information contained in the statement referred to in part (*a*) of question No. 2016 and my answer to part (*c*) of the same question.

Mr. Chaman Lall : Do Government propose to lay on the table a statement of the expense incurred on this Committee ?

Mr. J. W. Bhore : I did not catch the Honourable Member's question.

Mr. Chaman Lall : Will Government be pleased to lay on the table a statement of the expense incurred on this Committee ?

Mr. J. W. Bhore : I shall consider that point.

PUBLICATION OF THE REPORT OF THE COLONIES COMMITTEE.

2023. ***Dr. H. S. Gour :** Will the Government publish the report of the Colonial Deputation or otherwise make it available to Members ?

Mr. J. W. Bhore : When the Government of India have received the report they anticipate no difficulty in giving effect to the Honourable Member's suggestion.

CONVEYANCE OF THIRD CLASS PASSENGERS IN CATTLE TRUCKS ON THE BENGAL NAGPUR RAILWAY.

2024. ***Mr. Nilakantha Das :** (*a*) Are the Government aware that in times of rush some railway companies specially the B. N. R. put third class passengers in carriages meant to convey animals, other than men ?

(*b*) If so, have the Govt. taken any steps to prevent it ?

Mr. A. A. L. Parsons : It is a fact that on occasions of big *melas* railways sometimes find it necessary to supplement their coaching stock with goods vehicles. Instructions have already been issued to Railway Administrations that steps should be taken as far as practicable to put a stop to this practice.

OVERCROWDING OF RAILWAY CARRIAGES.

2025. ***Mr. Nilakantha Das :** (*a*) Are the Govt. aware that in India there is no custom to put passengers into railway carriages, according to their capacity notified in the carriages themselves ?

(*b*) Are the Government also aware that epidemics like cholera are sometimes due to overcrowding in railway carriages, specially in times of festivals like those of Puri ?

(*c*) If so, are the Government prepared to take steps to make the railway authorities see to putting passengers in carriages, according to their prescribed capacities ?

Mr. A. A. L. Parsons : (*a*) and (*c*). The Honourable Member is referred to the reply given on the 3rd September 1924 to Mr. K. G. Lohokare's question on the same subject.

(*b*) No.

PROVISION OF WAITING ROOM FOR INTERMEDIATE CLASS PASSENGERS AT PURI.

2026. ***Mr. Nilakantha Das :** (*a*) Are the Govt. aware that there is no waiting room for Intermediate class passengers in the Puri railway

station, one of the most important terminus railway stations on the B. N. R. ?

(*b*) Will the Government take steps to provide for one as early as possible ?

Mr. A. A. L. Parsons : (*a*) and (*b*). Government understand that the Railway Administration is arranging for the provision of an intermediate class waiting room at Puri.

OPENING OF A TOWN BOOKING OFFICE AT PURI.

2027. ***Mr. Nilakantha Das :** (*a*) Are the Government prepared to consider the question of opening a town booking office in the town of Puri, specially during festival times if not all round the year ?

(*b*) Is it a fact that the local people approached the authorities in the matter in various ways ?

Mr. A. A. L. Parsons : (*a*) and (*b*). The Honourable Member is referred to the answer given, on the 23rd July, 1923, in this Assembly to question No. 292, asked by Mr. B. N. Misra.

REPORT OF THE DECK PASSENGER COMMITTEE.

2028. ***Diwan Bahadur M. Ramachandra Rao :** Will the Government be pleased to state whether the report of the Deck Passenger Committee has been considered by the Government and if so will the Government be pleased to place on the table the orders of the Government on the Report ?

The Honourable Sir Charles Innes : The views of Local Governments and Chambers of Commerce on the recommendations made by the Deck Passenger Committee have been obtained and are now under consideration.

Diwan Bahadur M. Ramachandra Rao : May I ask the Honourable Member when this matter will be disposed of and whether the Government will be good enough to give a day for the discussion of this report ?

The Honourable Sir Charles Innes : I am afraid I cannot answer the first part of the question, but I will expedite the matter as much as I can. In the circumstances I do not think that the second part of the question arises.

Diwan Bahadur M. Ramachandra Rao : May I ask the Leader of the House whether he will be prepared to find a day for the discussion of this report seeing that it has been under consideration for the last three years ?

The Honourable Sir Alexander Muddiman : When the Government of India have come to a decision on the report I will consider the matter.

MEMORIAL OF THE LATE MR. G. NARAYANASWAMY NAIDU.

2029. ***Diwan Bahadur M. Ramachandra Rao :** (*a*) Will the Government be pleased to state whether a memorial to the Secretary of State for India in Council was submitted to the Government of India on the 20th February 1923, by Mr. R. Ry. G. Narayanaswamy Naidu, B.A., late Receiver of the Nidadavole and Medur Estates, in the Kistna District, Madras Presidency, and whether the Government of India withheld its

transmission to the above authority in their G. O. No. 390, dated 6th May 1923 ?

(*b*) Whether the said Mr. G. Narayanaswamy Naidu submitted a further memorial dated 20th July 1923, setting forth several new facts and circumstances which were not before the Secretary of State and the Government of India alleging, *inter alia*, that the High Court of Judicature at Madras were under the mistaken impression that the accounts which were relied upon for substantiation of the charge of misappropriation against him were the accounts of the Estate whereas they were really the personal accounts of the said G. Narayanaswamy Naidu ?

(*c*) Whether the Government of India also rejected this further memorial and withheld its transmission ?

Mr. J. W. Bhore : (*a*), (*b*) and (*c*). Yes : with regard to part (*b*) of the question, however, I would point out that the alleged new facts and circumstances did not really affect the main issue.

Diwan Bahadur T. Rangachariar : Are Government aware that this gentleman actually contributed above Rs. 10,000 towards his pension and his family is now left destitute ?

Mr. J. W. Bhore : I am not aware of that fact.

Diwan Bahadur M. Ramachandra Rao : May I inform the Honourable Member that he has contributed Rs. 19,000 and not Rs. 10,000 and that he has just died leaving 13 children, and may I ask whether Government will consider the desirability of at least remitting to him what he has actually paid towards his pension ?

Mr. J. W. Bhore : I am afraid that the Government cannot take these facts into account.

MEMORIAL OF THE LATE MR. G. NARAYANASWAMY NAIDU.

2030. ***Diwan Bahadur M. Ramachandra Rao :** Will the Government be pleased to state whether they have given any and what consideration to the new facts and circumstances set forth in the memorial of the 20th July 1923, and whether, in view of the fact that Mr. G. Narayanaswamy Naidu has been deprived of his pension practically on the one-sided report of the High Court, they are prepared to order a public inquiry into the charges brought against Mr. G. Narayanaswamy Naidu ?

Mr. J. W. Bhore : The Government of India gave the fullest consideration to the second memorial but, as I have already stated, they came to the conclusion that there was nothing in it to justify any change in the main finding on which the decision in regard to the former memorial was based. The matter has been carefully sifted by three authorities, namely, the Madras High Court, the Local Government and the Government of India, besides the Secretary of State ; and the Government of India see no justification to direct another inquiry.

INSTRUCTIONS TO INSPECTORS OF POST OFFICES.

2031. ***Mr. Chaman Lall :** (*a*) With reference to reply to starred question No. 1134, of the last Simla session, will the Government be pleased to state the particulars of the special instructions issued to the Inspectors of Post Offices ?

(*b*) Will the Government be pleased to state separately particulars of charges on which the nine Inspectors were punished ?

(*c*) Will the Government be pleased to state separately for each Inspector the cumulative effect of stoppage of increment of the Inspectors ordered to have the effect of postponing future increments ?

(*d*) Do the Government propose to reconsider the punishments ?

The Honourable Mr. A. C. Chatterjee : (*a*) A copy of these instructions is placed on the table.

(*b*), (*c*) and (*d*). Government have no information. If any individual has a grievance, he will doubtless address the Director-General or Government in the usual manner.

Copy of a letter No. F.E.-30, dated Lahore, the 11th April, 1922, from the Postmaster-General, Punjab and N. W. F. Circle, to all Supervising Officers in the Punjab and N. W. F. Circle.

The following orders are issued for information and guidance :

1. When any officer of, or above the status of Inspector, Bag Inspector, or Pension Inspector visits a post office for any purpose in his official capacity, he will record the date and purpose of his visit in the order book of that office. This also applies to 1st Class Postmasters, so far as town sub. or branch offices are concerned. In the case of Superintendents and Inspectors the result of the visit should be noted in his diary, *vide* rules 292|1 and 308|1, Volume II.

2. All inspecting officers are required to furnish at the end of their inspection remarks a certificate to the effect that all irregularities noticed at the previous inspection, whether made by themselves or by officers of similar status, have been removed ; and in any case where the defects noticed at the previous inspection have not been removed, a special report should be sent to me, stating the disciplinary action taken, or proposed, against the head of the office concerned for his neglect to carry out orders.

UNDESIRABLE SURROUNDINGS OF THE UMBALA CITY POST OFFICE.

2032. ***Mr. Chaman Lall :** (*a*) With reference to reply to starred question No. 1201 (last Simla session) will the Government be pleased to state if it is a fact that the main door for the public is in front of the liquor shop and that the upper storeyed houses, on the right and left side of the post office are connected with the main gate of the post office on one side and at a very short distance on the other ?

(*b*) Is it a fact that the general public has to pass by the liquor shop and through the lane leading to the prostitutes' houses before reaching the main gate of the post office ?

(*c*) Is it a fact that stamps are sold to the public at the main gate of the post office and consequently the members of the public have to stay in front of the liquor shop and can have a view of the houses of prostitutes ?

Mr. H. A. Sams : (*a*) The reply on the first point is in the negative and on the second point in the affirmative.

(*b*) Yes ; but the general public from the more important parts of the town have not to pass in front of the liquor shop.

(*c*) Stamps are sold inside the main gate of the post office, from where the public cannot see the prostitutes' houses.

LIMITATION OF THE PERIOD OF POSTAL OFFICIALS AT POST OFFICES BEYOND BANNU, KOHAT AND DERA ISMAIL KHAN.

2033. *Mr. Chaman Lall : (*a*) With reference to reply to unstarred question No. 288 (last Simla session) will the Government be pleased to state if the limit of two years retention covers all broken periods of appointments in an official's whole service ?

(*b*) Will the Government be pleased to ascertain the names of the officials who have already worked for 2 years on the outposts with a view to transfer them from the Division as indicated in reply to question No. 288, part (*b*), or at least to appoint them on the posts other than outposts in the same Division ?

Mr. H. A. Sams : (*a*) The orders make no reference to broken periods.

(*b*) A list of the names has been called for and I will give the matter my consideration on its receipt.

COMPENSATORY ALLOWANCES TO POSTMEN AND POSTAL MENIALS EMPLOYED ON THE FRONTIER.

2034. *Mr. Chaman Lall : With reference to reply to unstarred question No. 287, part (*b*), (last Simla session) will the Government be pleased to state the result of their consideration ?

Mr. H. A. Sams : With the exception of one man who was transferred from the Bahawalpur Sub-Division, all the postmen and postal menials at Bannu, Dera Ismail Khan and Kohat, though natives of various places, were actually recruited in the stations where they are employed and, as it has been reported that men who are permanent inhabitants of those stations are available for filling the appointments, it has been arranged that those of the present incumbents who are anxious to be transferred to offices nearer their homes shall be so transferred at their own expense on the occurrence of vacancies. Their places will be filled by men who are permanent inhabitants of Bannu, Dera Ismail Khan or Kohat, as the case may be. An exception will, however, be made in favour of the man who was transferred from the Bahawalpur Sub-Division ; if he asks for a transfer to an office in the Punjab, he will be granted travelling allowance in accordance with the ordinary rules.

CASE OF LACHMAN DAS, CLERK, RAWALPINDI POST OFFICE.

2035. *Mr. Chaman Lall : With reference to reply to starred question No. 1484 (last Simla session) is it a fact that Lachman Das has appealed to the Director General, and if so, will the Government be pleased to state the action taken by the Director General on the appeal of the official ?

Mr. H. A. Sams : A duplicate copy of an appeal has been sent by Lachman Das to me. No action has been taken upon it pending the receipt of the original appeal through the proper channel.

EXTENSION OF THE FUNDAMENTAL RULES TO THE MILITARY ACCOUNTS DEPARTMENT.

2036. *Khan Bahadur Sarfaraz Hussain Khan : (*a*) Is it a fact that formerly both the Civil and the Military Accounts Departments were guided by the Civil Service Regulations ?

(*b*) Is it a fact that with the introduction of the new rules a distinction has been made between the two Departments, and the Fundamental Rules have become a forbidden point to the Military Accounts Department ?

(*c*) If the above are facts, will the Government be pleased to give reasons for the distinction made between the two Departments ?

The Honourable Sir Basil Blackett : (*a*) The reply is in the affirmative.

(*b*) and (*c*). The Fundamental Rules do not apply to Government servants, including those employed in the Military Accounts Department, whose pay is debited to the Army Estimates. The question of amending the Fundamental leave rules, with reference to certain observations of the Inchcape Committee, is now under consideration of the Government of India ; and until a decision is arrived at in the matter, it is not proposed to extend the rules to establishments paid from the Army Estimates.

AMENDMENT OF RULES RELATING TO SUPPLEMENTARY GRANTS.

2037. ***Khan Bahadur Sarfaraz Hussain Khan :** (*a*) Will the Government be pleased to state if the Law Officers in India and in England were consulted before the last amendment of the rules concerning the Legislative Assembly and Provincial Councils, relating to supplementary demands, was made ?

(*b*) If so, will they please lay the correspondence on the subject on the table ?

The Honourable Sir Alexander Muddiman : The Honourable Member is referred to my reply to Mr. Gaya Prasad Singh's question No. 1911, dated the 15th September 1924.

REPORTS OF COMMITTEES APPOINTED BY PROVINCIAL GOVERNMENTS TO EXAMINE THE LAND REVENUE QUESTION.

2038. ***Khan Bahadur Sarfaraz Hussain Khan :** (*a*) Have the Government of India received the reports of the Committees appointed by Provincial Governments to examine the land revenue question ?

(*b*) If they have received the reports either from all or from any of the Provincial Governments, will they please lay them on the table ?

Mr. J. W. Bhore : (*a*) and (*b*). The Government of India have only received reports of the Committees appointed by the Governments of Madras, Punjab and the United Provinces. Copies of these reports have been placed in the Library.

Baba Ujagar Singh Bedi : Do the Government propose to take any steps on these recommendations ?

Mr. J. W. Bhore : Not that I know of.

Baba Ujagar Singh Bedi : Do they propose to do it in the near future ?

Mr. J. W. Bhore : I am unable to say.

THE NATAL BOROUGHS ORDINANCE.

2039 ***Khan Bahadur Sarfaraz Hussain Khan :** (*a*) Is it a fact that The Boroughs Ordinance, 18 of 1924, disenfranchising Indians in Natal

Municipalities, has been passed by the Provincial Council, and that the Bill is waiting for the Governor's assent ?

(*b*) Do the Government of India propose to take any action in the matter and if so, what ?

Mr. J. W. Bhore : (*a*) and (*b*). It is understood that the position is as stated by the Honourable Member and the Government of India are in communication with the Union Government on the subject.

CENTRAL INSTITUTE OF INDIAN ART AND ANTIQUES IN LONDON.

2040. * **Mr. Bhubanananda Das** : (*a*) Have Government seen the scheme for a Central Institute of Indian Art and Antiques in London framed by the India Society ?

(*b*) Have they promised any sympathy or support to the same ?

(*c*) Will Government be pleased to inform the House of the scope of this scheme ?

Mr. J. W. Bhore : (*a*) and (*c*). The Government of India have not seen the scheme and are therefore unable to furnish the information asked for.

(*b*) No.

SIR AUREL STEIN COLLECTION OF ANTIQUITIES FROM CENTRAL ASIA.

2041. * **Mr. Bhubanananda Das** : Will Government be pleased to state what has been done to the Sir Aurel Stein collections from Tibet ?

Mr. J. W. Bhore : Sir Aurel Stein was placed on deputation on three separate occasions to carry out archæological explorations in Central Asia. The collection of antiquities made during his first expedition (1900-1901) was distributed between the Calcutta, Lahore and British Museums. Two-fifths of the antiquities obtained during the second expedition (1906-1908) were made over to the British Museum as it had borne two-fifths of the cost of the expedition and the remaining three-fifths to the Stein Museum of Antiquities at Delhi. Some specimens of early textiles, however, have been loaned to the authorities of the South Kensington Museum, London, who have given valuable help in the preservation and cataloguing of the whole collection of these textiles. Most of the antiquities collected during Sir Aurel Stein's third expedition (1913-1916) are housed at Srinagar, pending the publication of his report on them. A portion has been taken by him to Europe to enable him to secure the collaboration of European specialists indispensable for the proper preparation of his report.

CONFERENCE ON INDIAN ART BY THE INDIAN SOCIETY IN LONDON.

2042. * **Mr. Bhubanananda Das** : (*a*) Has the attention of Government been drawn to the conference on Indian Art by the Indian Society in London ?

(*b*) What decision have Government taken about the Prix de Delhi as proposed at this conference ?

Mr. J. W. Bhore : (*a*) The answer is in the negative.

(*b*) Does not arise.

GRANT OF FREE PASSES OVER FOREIGN RAILWAYS TO EMPLOYEES OF THE EAST INDIAN, BENGAL NAGPUR, AND MADRAS AND SOUTHERN MAHRATTA RAILWAYS.

2043. *Mr. M. K. Acharya : (*a*) Will the Government be pleased to state whether it is a fact that the E. I. Railway, B. N. Railway and M. and S. M. Railway do not issue to their employees intermediate and third class free passes over the lines of other railways (called foreign railways) for any distance of more than 300 miles ?

(*b*) Will the Government be pleased to state whether it is a fact, that all the other railways in India, excepting the E. I. Railway, B. N. Railway and M. and S. M. Railway issue free passes to their employees without any restriction as to any maximum distance over foreign railways ?

(*c*) If the answer to (*a*) and (*b*) be in the affirmative, will the Government be pleased to state why the above mentioned three railways impose such restrictions in issuing free passes to their employees over foreign Railways ?

(*d*) Do the Government propose to take steps to bring the rules regarding the grant of free passes over foreign railways to employees by the above mentioned three railways into uniformity with the rules of other railways ?

Mr. A. A. L. Parsons : Inquiry is being made and the information will be furnished to the Honourable Member in due course.

MINIMUM QUALIFICATIONS FOR THE GRANT OF FREE INTERMEDIATE CLASS PASSES OF EMPLOYEES OF THE EAST INDIAN RAILWAY.

2044. *Mr. M. K. Acharya : (*a*) Will the Government be pleased to state whether in 1920 the E. I. Railway issued free passes to their subordinate employees, available for travelling in the intermediate class, whose salaries were between Rs. 50 and Rs. 126 ?

(*b*) If the answer to (*a*) be in the affirmative, will the Government be pleased to state why the E. I. Railway now issue free passes available for intermediate class only to those employees who draw salaries above Rs. 76 thereby raising the qualification for being entitled to Intermediate class free passes ?

(*c*) Do the Government propose to take steps to see that the E. I. Ry. bring their rules regarding the grant of free passes to employees, to the level of rules in force in 1920 ?

Mr. A. A. L. Parsons : (*a*) and (*b*). In consequence of enhancements in scales of pay the East Indian Railway found it necessary in 1920 to increase the minimum qualification entitling certain classes of the staff to Intermediate class passes from Rs. 50 to Rs. 76.

(*c*) In the circumstances Government do not propose to take any action.

REPORT OF THE RETRENCHMENT COMMITTEE, EAST INDIAN RAILWAY.

2045. *Mr. M. K. Acharya : (*a*) Will the Government be pleased to state whether the Committee appointed in 1922 to report upon the retrenchments to be effected in the E. I. Railway Administration, have submitted their report ?

(*b*) Will the Government be pleased to state the personnel of the said Committee and the expenditure they incurred ?

(*c*) Will the Government be pleased to lay a copy of the said report of the said Retrenchment Committee on the table ?

Mr. A. A. L. Parsons : The departmental committee appointed by the Agent of the East Indian Railway Administration consisted at various times of different officers of the railway ; and no extra expenditure was incurred on it. The committee is understood to have submitted two reports to the Agent ; they are purely departmental reports and Government are not prepared to place copies on the table.

Mr. M. K. Acharya : Will Government be pleased to state what retrenchment is recommended in expenditure and what reduction affecting the Indian, Anglo-Indian and European staff respectively ?

Mr. A. A. L. Parsons : I must ask for notice. That question does not arise out of the question just put.

TRAVELLING ALLOWANCES OF EUROPEAN AND ANGLO-INDIAN EMPLOYEES OF THE EAST INDIAN RAILWAY.

2046. ***Mr. M. K. Acharya :** (*a*) Will the Government be pleased to state whether it is fact that the East Indian Railway Company grant travelling allowances to European and Anglo-Indian employees on duty at the rate of Rs. 3 per diem, whereas Indian employees of the same grade and pay are paid only at the rate of Re. 1 per diem ?

(*b*) If the answer to (*a*) be in the affirmative do the Government propose to remove this piece of preferential treatment of one community as against another ?

Mr. A. A. L. Parsons : (*a*) The Honourable Member presumably refers to the rates of ' Night allowance ' given to subordinate employees absent from headquarters on duty. If so, the rates vary in accordance with pay from 1-8 to 4 in case of Europeans and 1 to 3 in case of Indians of similar status.

(*b*) Government do not interfere in regard to details of this sort on Companies' lines. But they agree that the rates of travelling allowance should be based on pay and status, and they will examine the question.

EAST INDIAN RAILWAY SCHOOLS FOR EUROPEAN, ANGLO-INDIAN AND INDIAN CHILDREN.

2047. ***Mr. M. K. Acharya :** Will the Government be pleased to state :

(*a*) how many schools are being maintained by the E. I. Railway for the children of their employees :

(*b*) how many of these schools give administration only to European and Anglo-Indian boys :

(*c*) what is the amount expended by way of grants by the E. I. Railway every year towards schools maintained for European and Anglo-Indian boys and to schools for Indian boys ?

Mr. A. A. L. Parsons : (*a*) The Report for 1923 shows 100 schools maintained by the East Indian Railway.

(*b*) Twenty-one.

(*c*) During 1923 the following grants were made :—

	Rs.
European schools	43,307
Indian schools	30,573

"OAK-GROVE" SCHOOL, MUSSOORIE.

2048. *Mr. M. K. Acharya : Will the Government be pleased to state :

(*a*) by whom the "Oak-Grove" School at Mussoorie is being maintained and run :

(*b*) what is the amount spent so far on the buildings and equipment of the said school :

(*c*) what is the grant given every year by the E. I. Railway to the said school ?

Mr. A. A. L. Parsons : (*a*) "Oak Grove" School, Mussoorie, is maintained and run by the East Indian Railway Company.

(*b*) At the end of 1923 the construction account of the school stood at Rs. 9,65,856.

(*c*) The grant given by the East Indian Railway during 1923 is not known, but the total contribution from the various railways whose employees' children attend the school was Rs. 1,09,534.

PROVISION OF QUARTERS BY THE EAST INDIAN RAILWAY FOR ITS EUROPEAN, ANGLO-INDIAN AND INDIAN STAFF AT CERTAIN IMPORTANT JUNCTIONS.

2049. *Mr. M. K. Acharya : (*a*) Will the Government be pleased to state the number of (*i*) Europeans and Anglo-Indians and (*ii*) the number of Indians that are employed by the E. I. Railway in the Junctions at Howrah, Asansol, Moghulsarai, Cawnpore and Delhi ?

(*b*) How many European and Anglo-Indian and how many Indian employees are being provided with free quarters by the said Railway Company in the above-mentioned Junctions.

(*c*) Whether it is a fact that the E. I. Railway rent quarters outside the Railway premises for their European and Anglo-Indian employees where the Railway quarters are not sufficient, whereas a large number of Indian employees are not provided with any quarters at all, in the abovementioned junctions of the E. I. Ry. ?

Mr. A. A. L. Parsons : (*a*)—(*c*). Government have not the information but are making inquiries.

EUROPEAN, ANGLO-INDIAN AND INDIAN DISTRICT AND TRAFFIC INSPECTORS ON THE EAST INDIAN RAILWAY.

2050. *Mr. M. K. Acharya : Will the Government be pleased to state :

(*a*) what is the number of District Inspectors in the Transportation side of the E. I. Railway ?

(*b*) and what is the number of Traffic Inspectors in the commercial side of the Traffic Department now employed in the said Railway :

(*c*) the number of Europeans and Anglo-Indians and the number of Indians in (*a*) and (*b*) ?

Mr. A. A. L. Parsons : (*a*) There are 32 District Inspectors in the Transportation side of the East Indian Railway.

(*b*) There are 22 Traffic Inspectors in the commercial side of the Traffic Department of the said Railway.

(*c*) Thirty-two Europeans and Anglo-Indians are employed as District Inspectors and 15 as Traffic Inspectors. Seven Indians are employed as Traffic Inspectors.

EMPLOYMENT OF INDIANS AS DISTRICT INSPECTORS ON THE TRANSPORTATION SIDE OF THE EAST INDIAN RAILWAY.

2051. ***Mr. M. K. Acharya :** (*a*) Will the Government be pleased to state whether it is a fact that no Indians are employed as District Inspectors in the Transportation side of the E. I. Railway ?

(*b*) If the answer to (*a*) be in the affirmative, will the Government be pleased to state the reasons why the E. I. Railway exclude Indians from occupying the posts of District Inspectors on the Transportation side ?

Mr. A. A. L. Parsons : (*a*) The answer is in the affirmative.

(*b*) The selection and promotion of staff on Company-worked Railways rests entirely with the Companies and Government do not interfere. But I may mention that the advisibility of appointing qualified Indians to the posts of Traffic Inspectors has been impressed upon them.

FREE ALLOWANCE OF LUGGAGE TO INTERMEDIATE AND THIRD CLASS PASSENGERS ON RAILWAYS.

2052. ***Sardar V. N. Mutalik :** (*a*) With reference to Rule 89, clause (*b*) of the Indian Railway's Coaching Tariff Rules, will Government be pleased to state why in the concession of free luggage, for the intermediate and third class passengers, tiffin baskets, bedding and umbrellas are not included ? Is it the presumption that articles of food and umbrellas and bedding are not necessarily required in the case of these passengers ?

(*b*) Are Government prepared to consider the revision of the rule in this light ?

Mr. A. A. L. Parsons : (*a*) In view of the fact that Intermediate and third class fares are considerably lower than I and II and the space usually available is limited, it is necessary to restrict the number of articles, which lower class passengers may take into a compartment, so as to avoid inconvenience to their fellow passengers.

In regard to the second part of the question, Intermediate and third class passengers are allowed to take *resais* and blankets into their carriages and, in practice, food required on the journey and articles such as umbrellas are not objected to.

(*b*) A copy of the question will be communicated to the Indian Railway Conference Association.

Sardar V. N. Mutalik : I understood the Honourable Member to say that it is not, *in practice*, objected to. Third class passengers are not allowed to carry articles of food free as of right. Is that the position ?

Mr. A. A. L. Parsons : In practice, I am perfectly certain it is not objected to.

Mr. N. M. Joshi : I heard the Honourable Member saying that the third class passengers pay considerably less than 1st and 2nd class passengers. I want to know whether he will place a statement on the table of this House showing the rates of fares of the 1st and 2nd class and the space allotted to each class ?

Mr. A. A. L. Parsons : I do not think it will be possible to get it in that form.

Mr. N. M. Joshi : What is the difficulty in getting the statement made ?

Mr. A. A. L. Parsons : One of the main difficulties is that we have a large number of different types of carriages and it is not possible to state the average of space for a third class compartment.

Mr. N. M. Joshi : May I ask whether the railways in fixing the rates do not take into consideration the space allotted to each class ?

Mr. A. A. L. Parsons : I do not think so.

Mr. N. M. Joshi : How are the rates fixed ?

Mr. A. A. L. Parsons : They depend partly on what the traffic will bear.

Mr. N. M. Joshi : May I ask whether Government will be prepared to start some class for giving instruction on this subject ?

Mr. President : The Honourable Member had better give notice of a novel proposal of that kind.

STUDENTS OF THE ROYAL INDIAN MILITARY COLLEGE, DEHRA DUN.

2053. ***Sardar V. N. Mutalik** : Will Government be pleased to state the number of students from the Dehra Dun Military College, who have passed the final test in the College, but were not admitted to Sandhurst ? Whether any of these students are employed in Government or State superior services, and whether any of these students have joined any other educational institutions to prosecute their studies further ?

Mr. E. Burdon : There is at present no final test within the College at Dehra Dun. All the boys who are educated at Dehra Dun are expected, when sufficiently prepared, to appear for the entrance examination to Sandhurst. So far 11 boys have sat for this examination, of whom 8 have passed and 3 have failed. Of the 3 who have failed, 2 will have another opportunity of sitting for the examination, while the third, who was also eligible to sit for the examination again, did not wish to do so.

RAILWAY CONCESSIONS TO STUDENTS OF THE INDIAN MILITARY COLLEGE, DEHRA DUN.

2054. ***Sardar V. N. Mutalik** : Will Government be pleased to state whether it is a fact that concession for travelling first class only is given to the students of the Dehra Dun College, but the concession is refused if they choose to travel second class ? If so, why is this distinction made ?

Mr. E. Burdon: Students of the Prince of Wales' Royal Indian Military College, Dehra Dun, are entitled to the concession of travelling first class on payment of second class fare, for the journeys between their homes and the college at the beginning and end of each term only. The grant of the further concession which the Honourable Member has in mind was considered by Government but it was held that it would not be justifiable to give further assistance at the expense of Railway Revenues.

CONSULTING ENGINEER TO THE GOVERNMENT OF INDIA.

2055. ***Sardar V. N. Mutalik**: (*a*) Will Government be pleased to state when the post of Consulting Engineer to this Government was created ?

(*b*) What is the amount of work the Consulting Engineer has done during the last three years ?

(*c*) Whether it is the intention of Government to continue the post ?

The Honourable Mr. A. C. Chatterjee: (*a*) The post of Consulting Engineer to the Government of India was created with effect from the 16th April 1923.

(*b*) Since the creation of the post last year, the Consulting Engineer has scrutinized projects (original and revised), amounting to over Rs. 34 crores, prior to their submission to the Secretary of State. He has visited projects, estimated to cost over Rs. 55 crores, during the course of their construction, some of them several times, and has advised the Government of India and the Local Governments concerned regarding them. He has scrutinized, advised upon and in many cases accorded technical sanction on behalf of the Government of India to a large number of schemes for central civil works of all kinds. He has advised on numerous cases regarding general public works policy, was of the utmost assistance in effecting a settlement between the Governments of Madras and Mysore of their long-standing dispute regarding the partition of the Cauvery water, and is the Government of India's technical representative upon the New Capital Committee, which deals with the construction of New Delhi.

(*c*) The question of the future of the appointment is at present under consideration.

RECOMMENDATIONS OF THE LEE COMMISSION.

2056. ***Sardar V. N. Mutalik**: (*a*) In view of the statement, as reported in the Press, made by the Secretary of State to the effect that whatever might be the views or decision of this Assembly on the recommendations of the Lee Commission, the recommendations will be given effect to, so far as they apply to the pay and allowances, etc., of the Services, will Government be pleased to state whether it is the intention that no effect is to be given to the views that will be expressed by this House ?

(*b*) Will Government be pleased to give the exact portion in the speech on this point ?

(*c*) Will Government be pleased to place on the table a copy of the despatch, sent to the Secretary of State by this Government expressing their views on the recommendations of the Lee Commission ?

(*d*) Will Government be pleased to place on the table the views of the Provincial Governments and Legislatures on these recommendations ?

The Honourable Sir Alexander Muddiman : (*a*) and (*b*). The Government are not aware of any statement to this effect having been made by the Secretary of State.

(*c*) The Government of India are not prepared to lay on the table their correspondence with the Secretary of State.

(*d*) The views of Provincial Governments have already been laid on the table.

LORD OLIVIER'S SPEECH IN THE HOUSE OF LORDS REGARDING THE ALLEGED PURCHASE OF VOTES BY THE SWARAJ PARTY IN BENGAL.

2057. ***Sardar V. N. Mutalik :** Will Government be pleased to state :

(*a*) whether it is a fact that the Secretary of State stated in the House of Lords, as is reported in the papers, that the Swaraj Party organized the purchase of votes for the purpose of procuring a majority of votes to embarrass Government ?

(*b*) the extract from the speech which contains this statement ?

(*c*) whether the purchase of votes is meant to apply to the Party's system of work within the Councils and the Assembly or at the time of the elections ? And if within the Councils or the Assembly, will Government be pleased to state the grounds or reasons on which the statement was based ?

(*d*) whether this Government sent any despatch to the Secretary of State supplying any information on this point, and if so, will Government be pleased to place on the table a copy of the extract from the despatch supplying this information ?

The Honourable Sir Alexander Muddiman : (*a*) and (*b*). The Secretary of State did make statements of this character in his speech in the House of Lords on the 21st July. I will quote for the Honourable Member's information two extracts from the official report of the speech.

(*i*) Referring to the Bengal Legislative Council he said :

"In that Assembly the Swaraj Party not being able actually to lead or to procure a majority of votes for the purpose of embarrassing the Government, organised the purchase for cash of the requisite balances either of votes or abstentions, to enable them to win the narrow divisions which they did. This fact is notorious."

(*ii*) Again he said :

"Such demonstrations as have been made in the Bengal Legislature, in so far as they are procured by methods of corruption or intimidation, not only are not demonstrations of popular will but are demonstrations of the fact that Legislators who are so influenced have no will at all of their own, except a will to profit, and that any number of such politicians may be disregarded with complete equanimity as representing no kind of power. The significance and importance of a vote in a Parliamentary election, or in a Parliament rest only upon the will or spirit in which it is given. If it is given on account of bribery or on account of fear those who are responsible for, and who are entrusted with the power to carry on, the King's Government, know very well that they have no real force whatever to contend with, but only something which can be bought or frightened."

(*c*) and (*d*). The extracts which I have quoted indicate clearly that the Secretary of State was referring to what he understood to have been the method of working adopted by the Swarajist Party in the Bengal Legislative Council. The Government of India are unable to say definitely where the Secretary of State obtained the information upon which he based his speech. They understand, however, that it has been freely stated in the public press that there was organised corruption. It may

be that the Secretary of State's announcement was based upon private information. In any case the Government of India have not themselves supplied any information which could have formed the basis of the Secretary of State's remarks. They did, however, forward to him a letter from the Government of Bengal in which the following passage occurred :

"The Indian supporters of Government were also subjected to continuous pressure from the Swarajist Members to abstain from voting for Government. The Swarajist Party funds were freely spent in this manner. One Muhammadan supporter of Government complained to the officials of the Council that he had been offered Rs. 3,000 to abstain from the division on the grant for Ministers' salaries and it has been stated on reliable authority that Rs. 40,000 were expended from Swarajist Party funds during the session in bribing Government supporters in this way."

That was the only reference to this matter in the letter in question.

Mr. K. Ahmed : Do Government consider the Rs. 35,000 admitted by Mr. C. R. Das to have been spent on candidates for election expenses in Bengal is an inducement for procuring votes for the purpose stated in this question No. 2057 ?

Mr. President : The Honourbale Member had better address that inquiry to Mr. Das.

Mr. K. Ahmed : Is it not a fact that payment of the election expenses and the deposit during nomination of Rs. 500 for each candidate for election, especially of the separate communities, are also an inducement ?

Mr. President : The Honourable Member himself has been a candidate and knows whether it is likely to be so.

Mr. T. C. Goswami : Will Government seek information on the subject of the purchase of votes in the Bengal Council from the office of the party of which the Advocate General is the decapitated head and His Excellency Lord Lytton is the Chief Whip ?

The Honourable Sir Alexander Muddiman : That is not a question that I can answer here.

Mr. Chaman Lall : May I ask whether the Honourable Member in quoting that letter was aware of the fact that there is no Swaraj Party Fund at all from which any bribe could be given ?

The Honourable Sir Alexander Muddiman : The question ought to be asked of another Member of the House.

Mr. Chaman Lall : May I ask whether he is aware of the fact that there is really no Swaraj Party Fund, and whether it was not his business to find out whether there was any such Fund ?

The Honourable Sir Alexander Muddiman : I cannot agree with the Honourable Member on that point. I have no knowledge of the Party funds of any Party.

Pandit Motilal Nehru : May I ask if the Government of Bengal sent the materials upon which they based the conclusions expressed in the extract submitted by the Government of India to the Secretary of State ?

The Honourable Sir Alexander Muddiman : No, Sir ; the statement I have read to the House and nothing more.

Pandit Motilal Nehru : Were any steps taken by the Government of India or the Government of Bengal to verify the facts ?

The Honourable Sir Alexander Muddiman : Not by the Government of India. I presume the Government of Bengal verified it.

Mr. Amar Nath Dutt : Do the Government know that a false criminal case was instituted by the agent of one Member against another to overawe him to vote for Ministers' salaries in the Bengal Council ? And Rs. 15,000 was extorted to compromise the case ?

The Honourable Sir Alexander Muddiman : No, Sir. It is a very unfortunate thing if it is so, Sir.

Mr. Chaman Lall : May I ask the Honourable Member just one more question,—whether he is prepared to convey to the Secretary of State the utter disgust felt by the Members of this Assembly at his remarks with reference to the Bengal Council ?

The Honourable Sir Alexander Muddiman : The questions and answers will be forwarded to the Secretary of State undoubtedly.

Mr. K. Ahmed : What steps do Government propose to take to remove the grievances of the people in regard to payment or inducement to members, who were candidates for election, and do they propose to bring about any change in the Rules of Election on this subject ?

The Honourable Sir Alexander Muddiman : The Honourable Member is quite well aware that parliamentary candidates have these questions in their own hands.

Mr. M. A. Jinnah : Are the Government of India prepared to take steps to remove the reflections which were cast on the Swaraj Party by the speech of the Secretary of State ?

The Honourable Sir Alexander Muddiman : I can certainly give no undertaking on this point. It is for the Party to act.

Mr. K. Ahmed : Do the Government know whether the exact amount paid to a Dacca candidate, a Member of the Bengal Council, by the Swaraj Party was Rs. 3,000 or much more than that ?

Mr. President : That question is certainly not in order here. Whether it is in order in the Bengal Legislative Council is a matter for the President of that Council to decide.

Pandit Motilal Nehru : Are the Government of India prepared to prosecute these persons against whom charges of bribery and corruption have been made or to hold a public inquiry generally into this matter ?

The Honourable Sir Alexander Muddiman : Does the Honourable Member refer to these particular allegations I have got here ? It would not be I think for the Government of India to initiate a prosecution ; it is a matter for the Bengal Government to consider.

Mr. Jamnadas M. Mehta : Will you instruct them to do so ?

The Honourable Sir Alexander Muddiman : No, Sir.

Mr. Jamnadas M. Mehta : Do you not regard the matter as of sufficient importance ?

The Honourable Sir Alexander Muddiman : I regard it as of very great importance and I am making inquiries as to the law. I am perfectly willing to forward to the Government of Bengal copy of the questions and answers in this House and invite their attention to the points raised in them. It is not for the Government of India to instruct the Bengal Government to institute a prosecution.

Mr. Jamnadas M. Mehta : Is it true that the Government of Bengal offered to appoint the third Minister out of these Members who voted for the demand for grant of the Ministers' Salaries ?

The Honourable Sir Alexander Muddiman : I know of no such suggestion.

Mr. Jamnadas M. Mehta : If that is so, is it corruption or what ?

RECOMMENDATIONS OF THE INDIAN BAR COMMITTEE.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : Sir, with your permission before I make the motion standing in my name in regard to the Bill to consolidate and amend the Law relating to Legal Practitioners, I should like to know from the Government whether they intend to bring in a measure to give effect to the recommendations made by the Indian Bar Committee, and if so, I shall consider whether it is my duty to proceed with my Bill or await the action of Government. And if they intend to bring in a Bill, I should like them to give me an assurance that it will be at an early date.

Mr. H. Tonkinson (Home Department : Nominated Official) : Sir, I gather that my Honourable friend merely wishes us to state the action which we propose to take and are taking upon the Report of the Indian Bar Committee.

As has been explained, Sir, in answers given by the Honourable the Leader of the House, we have already consulted Local Governments and have asked Local Governments to consult High Courts and legal associations upon the subject of these recommendations. We are still awaiting replies from some of the major Local Governments. One Local Government have informed us a few days ago that the reason why they are unable to reply at present is the fact that the majority of the legal associations which they have consulted have not yet replied. I am sure, Sir, my Honourable friend will appreciate our position. We cannot decide until we have received the views of the learned profession of which he is so distinguished a member as to whether we shall be able to accept absolutely the recommendations of the Committee. We have no desire to postpone a decision upon these questions and we propose as soon as replies are complete to endeavour to come to conclusions upon them with the minimum of delay. Some of the recommendations of the Indian Bar Committee may be put into operation by the High Courts under the powers which are vested in them and certain High Courts are in fact taking action in this direction. As regards any recommendations which may ultimately require legislation, we confidently expect to be able to bring forward proposals for legislation in the next session.

Diwan Bahadur T. Rangachariar : After that statement, Sir, I do not propose to move the motion which stands in my name.

THE HINDU RELIGIOUS AND CHARITABLE TRUSTS BILL.

Dr. H. S. Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I beg to move :

"That the Bill to make provision for the better management of Hindu religious and charitable trust property and for ensuring the keeping and publication of proper

accounts in respect of such properties, be referred to a Select Committee consisting of :

The Honourable the Home Member,
Mr. N. C. Kelkar,
Sir P. S. Sivaswamy Aiyer,
Diwan Bahadur T. Rangachariar,
Mr. Gaya Prasad Singh,
Mr. Ambica Prasad Singh,
Baba Ujagar Singh Bedi,
Lala Hans Raj,
Pandit Madan Mohan Malaviya,
Pandit Motilal Nehru,
Mr. K. C. Neogy,
Maulvi Abul Kasem,
Mr. C. Duraiswami Iyengar,
Mr. M. A. Jinnah,
Mr. T. C. Goswami,
Mr. Chaman Lall,
Mr. S. C. Ghose,
Rai Sahib M. Harbilas Sarda,
Pandit Harkaran Nath Misra,
Mr. Nilakantha Das."

Mr. M. C. Naidu (Burma : Non-European) : Why not have a Member for Burma on the Committee ? I am willing to be a member.

Dr. H. S. Gour :

"Mr. Naidu and myself."

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhammadan Urban) : May I beg leave to be excused from joining this galaxy.

Dr. H. S. Gour : No. Sir, at the time of introducing this Bill I briefly stated the reasons which had impelled me to ask the leave of this House for its introduction. Since then the opinions of the provinces and of the High Courts have been elicited and Honourable Members are in possession of these opinions. I find that while the general principle of the Bill is approved generally by the public four suggestions have been made and I shall at this stage deal with them.

It has been said that the term Hindu should be defined in the Bill. This is a matter which should engage the consideration of the Select Committee, as it is a detail and does not affect the principle with which I am at present concerned.

The second objection that has been taken to the Bill—and it is a weighty objection—is to the fact that this Bill does not exclude private trusts. Two views are possible on this point ; first, that a private trust is a trust nevertheless ; and second, that in so far as it is a trust it must be subject to the provisions of the Act. The other view is that as private trusts stand on a different footing from public trusts they must be exempted. That again, I submit, is a question which will engage the attention of the Select Committee. The third objection taken is that this Bill should be confined to trusts of the value of rupees three thousand or upwards, that it would be expensive to procure auditors and to audit accounts in cases of petty trusts which must be exempted from the provisions of the Act. That again, I submit, is a matter of detail into which the Select Committee would be competent to enter.

[Dr. H. S. Gour.]

The last objection is an objection of a general character. It is to the effect that as these trusts are of a religious character and as religious trusts is a provincial transferred subject, any legislation thereupon should be at the instance of the Provincial Governments and made by the provincial Legislative Councils. On this point, Sir, I have the precedent of the Mussalman Waqf Act which was passed only last year—an All-India Act, from which my Bill is little distinguishable. If this objection were weighty with the Government they would have opposed the passage of the Mussalman Waqf Act, which they did not do. I therefore submit that the objection that religious trusts is a transferred provincial subject cannot be an objection to the passage of this measure by the Central Legislature. I wish to add further reasons why this House should pass a measure of this character. All previous Acts dealing with religious endowments are All-India Acts—I refer to the Religious Endowments Act, XX of 1863, the Charitable Endowments Act, VI of 1890, and last but not least the Charitable and Religious Trusts Act, XIV of 1920. I have explained, Sir, on the last occasion why these Acts of the Indian Legislature do not deal with the specific points with which my Bill is concerned. Honourable Members will also remember that we want in regard to the law of Trusts a general uniform law throughout the country. Pious founders of religious endowments generally visit sacred places which are scattered throughout the length and breadth of this country and they make offerings to these holy places which might be made the subject of administration by the Provinces but they should certainly be brought upon a national register. I further submit that we are not contravening any of the Devolution Rules as we are not here providing for the administration of the religious trusts. All we are doing is to provide for the entry upon a national register of all trusts which exist in the land, the reason for which is obvious. For several centuries pious founders in this country have been making bequests and gifts to religious institutions and things. They are managed by persons variously designated and called, and in course of time these managers have obscured the title as to the property and in many cases I regret to say they have passed into private ownership. It is, therefore, necessary for the protection and safeguarding of these public and private trusts that a national register should be opened upon which the name and description of all trust properties should find a place. And secondly, I submit it is equally necessary that, in order to preserve their character as trust properties, there should be an annual submission of accounts audited in the manner provided in the Bill. Well, Sir, I submit that this is all that I need say at this stage. I move that the Select Committee I have named be appointed.

Mr. President: The question is :

"That the Bill to make provision for the better management of Hindu religious and charitable trust property and for ensuring the keeping and publication of proper accounts in respect of such properties, be referred to a Select Committee consisting of :

The Honourable the Home Member,
Mr. N. C. Kelkar,
Sir P. S. Sivaswamy Aiyer,
Diwan Bahadur T. Rangachariar,
Mr. Gaya Prasad Singh,
Mr. Ambica Prasad Singh,

Baba Ujagar Singh Bedi,
Lala Hans Raj,
Pandit Madan Mohan Malaviya,
Pandit Motilal Nehru,
Mr. K. C. Neogy,
Maulvi Abul Kasem,
Mr. C. Duraiswami Iyengar,
Mr. M. A. Jinnah,
Mr. T. C. Goswami,
Mr. Chaman Lall,
Mr. S. C. Ghose,
Rai Sahib M. Harbilas Sarda,
Pandit Harkaran Nath Misra,
Mr. Nilakantha Das,
Mr. M. C. Naidu, and
Dr. H. S. Gour."

Pandit Motilal Nehru : My name may be deleted.

Mr. D. V. Belvi (Bombay Southern Division : Non-Muhammadan Rural) : Sir, I regret very much my inability to accord support to this motion. It seems to me that the present Bill is altogether uncalled for. The country does not need it and it is a piece of legislation which is to be foisted upon an unwilling public. If we refer to the opinions which have been collected from the various provinces of this country, we find that the opinion of the country, taken as a whole, is opposed to the present measure. I shall quote a few opinions in this connection for the information of the Honourable Members of this House. Let us first of all take the Presidency of Madras. Honourable Members will find the Madras Government saying the following. The Secretary says :

"I am to say that in view of the fact that 'Religious and Charitable Endowments' is a Provincial and Transferred subject this Government are of opinion that legislation in connection therewith should be passed by the Provincial Council and not by the Central Legislature. The Provincial Legislative Council has already passed 'The Madras Hindu Religious Endowments Act, 1923'. In this view, this Government do not propose to examine the provisions of the Bill in detail."

Then look at the opinion of the Honourable Mr. Justice Kumaraswami Sastri, a learned Judge of the Madras High Court. He says :

"I consider the scope of the Act much too wide. I would for the present confine it to Temples and exclude Mutts and other Religious trusts. In the case of Mutts the head occupies the position of a spiritual head and it should be left to the disciples of the Mutt to take steps if there is any mismanagement. The opposition to the Madras Religious Endowments Act so far as its inclusion of Mutts is concerned shows how widespread is the desire not to interfere with such institutions. There are several religious trusts of a small nature created by wills and trust deed which do not require outside interference and which are adequately protected by the law as it is at present.

I am in favour of the minimum amount of interference with Mutts when the head is also the spiritual preceptor and when disciples contribute to the worship. In religious matters it is better for the legislature not to interfere unless there is a pressing demand by the general public as distinguished from the advanced social reformers (*of whom my Honourable friend, Dr. Gour, is one*).

So far as the Madras Presidency is concerned, I think this Bill is unnecessary, as a Bill is before the Legislature dealing with religious endowments. I would suggest that the Legislative Assembly leave it to the various provincial legislatures to devise remedies for preventing breaches of trust within their jurisdiction as conditions in various provinces are different."

[Dr. D. V. Belvi.]

Then let us turn to the opinion of another learned gentleman in the Madras Presidency, Rai Bahadur N. Gopalaswami Ayyangar, B.A., B.L., Registrar-General of Panchayats. He says :

"For the purpose of ensuring the better administration of Hindu Religious Endowments, the proper place for undertaking legislation is the Local Legislature. 'Religious and Charitable Endowments' is a provincial and transferred subject, and, unless there are compelling reasons for the interference of the Indian Legislature in what is really the province of the Local Legislature, the passing of a measure of this sort by the Indian Legislature will in spirit be inconsistent with provincial autonomy even in relation to transferred subjects. Apart from this important constitutional objection, on the merits also legislation of this kind is properly undertaken only in Local Legislatures. Conditions vary badly in the different provinces. The same remedies cannot be applied for mismanagement of trust property in the different provinces."

I will now turn to the United Provinces and I will quote one or two opinions from that province. Here is what the Government of the United Provinces themselves say :

"In the first place, regard being had to the widely divergent conditions obtaining in the various provinces, any attempt to legislate in the matter of religious and charitable trusts for all India by a Bill of this type seems foredoomed to failure ; and the Governor in Council is convinced that, as Sir Malcolm Hailey pointed out in the Assembly on 28th February, 1924, any legislation on the subject should be undertaken by the provincial legislatures, the members of which are qualified by their local knowledge to introduce Bills suited to provincial conditions."

Then take the opinion of a legal luminary in the United Provinces, Sir Tej Bahadur Sapru. He says :

"While I am clearly of opinion that the present position in respect of Hindu religious and charitable endowments is extremely unsatisfactory, I very much doubt as to whether the Bill introduced by Dr. Gour will lead to any substantial improvement of that position. I feel that there is need for a clear-sighted and consistent policy with regard to religious endowments and that in the absence of any such policy I should not in the slightest degree feel surprised if what has happened in the Punjab and is to-day happening at Tarkeshwar happens in other parts of India. I doubt very much whether any general Act passed by the Central Legislature can cure the evil effectively. Local conditions vary in different provinces and the forces of conservatism and progress in regard to social and religious matters also vary from province to province. I personally think each provincial Government should tackle this problem after careful inquiry into the history and origin of these endowments and introduce legislation in the light of the results of that inquiry.

There is a great deal to distinguish the case of Hindu endowments from the Mohammedan endowments with regard to which the Central Legislature passed legislation last year. Even in regard to it I know from personal knowledge that considerable doubt was entertained as to the wisdom of that legislation being passed by the Central Legislature, but there were special reasons for that which I do not think apply to the case of this Bill."

Let me turn now to the Government of Bihar and Orissa. They say :

"There is a strong body of opinion opposed to any legislation on this subject at all. This is the attitude of that portion of the public which is least vocal, and there is no doubt that if the Legislative Assembly were to proceed with the Bill and it were passed into law, there would be increasing opposition, as this class became more and more aware of what was intended. This is proved by the recent agitation and excitement in Madras in connection with a similar Bill. This feeling has already been voiced by such leaders of the orthodox Hindu religion as the Maharajadhiraja of Darbhanga and by a deputation of Mahanths and others who waited on the Honourable Minister of Education and protested against the Bill. It is certainly true that the Bill has proved acceptable to the High Court, the bar associations and the educated Hindu public, but these are at best the minority of those who would be primarily affected by this legislation, and in a matter of this kind, unrepresentative of the majority."

Further on, the Government of Bihar and Orissa say :

"The Local Government agree with what they consider to be the weight of public opinion. In the first place, they are averse at present to any further legislation at all in respect of Hindu religious endowments. They consider that it would

be far better to wait and watch the working of the Musalman Wakf Act of 1923, regarding which they have no little apprehension, rather than immediately to introduce a slavish imitation of it for Hindu religious endowments."

It is not necessary for me to multiply quotations from the opinions which have been collected by Government from various parts of the country. It is evident that public opinion as at present advised is not favourable to this Bill. I submit that there is enough provision already in the existing legislation. The existing Code of Civil Procedure makes due provision for steps to be taken to prevent malversation of religious endowments. Any member of the public who is not satisfied with the administration of any trust property has the right to apply to the Advocate General or to the Collector of the District and to obtain his consent to the institution of a suit. When such a suit is brought, it is open to the District Judge in whose court such a suit lies to draw up a scheme and to appoint a number of trustees for the administration of that particular trust, provided it is proved to his satisfaction that there is mismanagement of the trust property. I do not see that there is any need for a drastic Bill like the present one. My Honourable friend Dr. Gour is, I think, needlessly raising a nest of hornets about his ears by introducing a piece of social legislation which is not called for by the people themselves. I am quite aware that Dr. Gour is an ardent social reformer. I beg to be excused when I tell him that ever since the day I entered this Assembly he appears to me to be very fond of promoting social reform with the help of the Legislature. To me it seems that that is a wrong policy. The Legislature should not be needlessly asked to interfere in matters social unless it is absolutely necessary to do so. In this connection I wish to invite the attention of my Honourable friend Dr. Gour to a brief quotation bearing upon points like this. The quotation runs :

"The difference between a physician and a quack is this—a physician knows and admits that his powers are limited. He can aid Nature. He can help her to remove obstruction and clear away abnormal growths; but he cannot re-create a broken constitution, or make a perforated lung do the work of a sound one. But a quack with his pills, and his plasters, and his potions, will undertake to cure all the ills that flesh is heir to. In like manner, the genuine reformer knows that the living law is the thought of the people, and that all Parliament can do is to fit that thought to the life of the nation. Political empirics, on the other hand, will engage to cut out a social cancer by the ballot-box. With them a Bill's a Bill, 'although there's nothing in't'. It is not so much speed in legislation that is wanted, as skill. It is not quantity, but quality, that is required. The highest interests of the State would often be better served by the wise and liberal administration of old laws than by the high pressure production of new and imperfect ones."

This is a quotation from a speech which was delivered in the House of Commons in the year 1882 by an Honourable Member of that House, Mr. Joseph Cowen. I may tell my Honourable friend Dr. Gour that I believe in a very well-known dictum of Edmund Burke. Edmund Burke lays down in one place that unnecessary physic is bad for the human body. I may tell my Honourable friend Dr. Gour that unnecessary legislation is equally bad for the body politic. With these few words I oppose the motion put forward by my Honourable friend, Dr. Gour.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Sir, I would have very much liked that a Bill like this was introduced by some Member who is really an orthodox Hindu like my Honourable friend Pandit Madan Mohan Malaviya.

Pandit Shamlal Nehru (Meerut Division : Non-Muhammadan Rural) : Dr. Gour is a Hindu.

Mr. Amar Nath Dutt : Yes. I am also a Hindu, but I do not claim to be an orthodox Hindu. At the same time I would not like to thrust my own opinion upon others who believe in the sanctity of these temples. I would have very much wished that Dr. Gour had included in his Committee only such men as are really orthodox, and command the confidence of orthodox Hindus of this country, like my Honourable friend Pandit Madan Mohan Malaviya. Amongst the names proposed for the Select Committee, without discussing who is who, I may tell this House that very few of them are orthodox Hindus and Dr. Gour has gone to the length of adding Muhammadans and others on the Select Committee. So, considering all the circumstances, I would like to have a cosmopolitan Committee and to suggest that my Christian friend Dr. S. K. Datta, and my Mahomedan friends, Khwaja Abdul Karim, Maulvi Sayad Murtuza Sahib, Mr. Kazim Ali and Dr. Haji S. A. K. Jeelani be added to the Committee.

Mr. M. K. Acharya (South Arcot *cum* Chingleput : Non-Muhammadan Rural): Sir, I do not wish to make any speech, not at least to-day, but I cannot give a silent vote on a matter which I think concerns the religious beliefs and institutions of the community to which I have the honour to belong. I claim to be a very orthodox Hindu—not of course for the purpose of being put on this Committee. I object to the passing, by a heterogeneous body such as this House, of any legislation which will affect the religious beliefs and religious institutions of the largest community in India. I am glad that this has already been pointed out by another Member. Many of us may claim to be Hindus, but few of us can claim to be or even perhaps care to be Hindus in the strictest sense of the term, respecting the orthodox beliefs and customs of our orthodox countrymen. I object strongly to any legislation of this kind. The very fact that Dr. Gour wants such a very large Committee to go into an examination of the Bill is ample proof that the Bill is not as innocuous and not as unobjectionable as we might wish it to be. I find one clause is exceedingly objectionable—that imposing a penalty ; and I strongly object on principle to any penal legislation of this kind. It is very very unfortunate that the time of the House should be wasted on such questions. I want to be perfectly clear. It is not that I for one moment disbelieve the good intentions of those who have brought this Bill or who are supporting it. But I wish to be excused if I quote the old proverb that good intentions pave the way to some very unenviable region. Therefore I strongly object to a Bill of this kind on principle. I have already received one or two letters from very orthodox people, and even the opinions that have already been gathered are very divergent. I do not believe that such a measure of support for the Bill has been received as Dr. Gour would wish this House to believe. Very many people have taken objection to it and those who have taken objection to the Bill deserve probably greater attention than those who claim to be in favour of the Bill. There is great danger that we, the so-called educated Hindus, may not care for the feelings and sentiments of those who are not English-educated. These charitable trusts mainly affect them and not us. Very few English-educated Hindus care to go to the temples, and it does not matter to them how these temples are managed. These historic religious and charitable institutions ought to be respected and I strongly object to any Bill that tries to ride roughshod over the feelings and sentiments of the orthodox community.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) : I rise to support the principle underlying the Bill, and I am surprised at the opposition of my Honourable friend, Mr. Belvi, and the last speaker. I do not know if I will be admitted to be an orthodox Hindu ; but I certainly do not think that Dr. Gour will say that I am a social reformer. I am as good a Hindu as the present generation may claim one to be. I feel very strongly that there should be no reason to oppose any legislation which aims only at better regulation of religious trusts and of charitable benefactions. This Bill only lays down that those who manage monies set aside for purposes of religion or charity shall do certain elementary things, namely, that they shall submit to a Government officer, or to a Court, the title showing how they are entitled to use the monies for their specific purposes, that they shall keep accounts and that those accounts shall be available to the Hindu public year in and year out in order that the Hindu public may make sure that monies set aside by religiously inclined people are being used in the proper manner and direction. I really wonder whether there can be any opposition to these very elementary requirements which my friend, Dr. Gour, wishes to see ensured in the interests of the benefactors and beneficiaries of the Hindu community. I certainly think that a body like this House should not interfere in whatever may affect the religious susceptibilities of either the Hindu or the Muhammadan community. But the Bill which is now under consideration does not interfere with any religious rites or ceremonies. All that it lays down, as far as I have been able to see, is that those in charge of such benefactions shall keep accounts and present them for the enlightenment of the public. I really wonder if either the orthodox section or the other section can possibly object to this and allege with any justification that some sort of undesirable interference with the orthodox section is aimed at by this Bill. I have very great pleasure in supporting the principle underlying the Bill and also in supporting that the Bill be referred to a Select Committee.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor : Non-Muhammadan Rural) : I am also surprised that there should be opposition even to the principle underlying this Bill. For my part also I must declare that I am an orthodox Hindu, and those friends who have invited me to lunch will bear testimony to it. But at the same time, Sir, I must emphatically protest against an Assembly like this even obstructing at the very initial stage of making some provision for the safeguarding of public institutions. I am in some way or other immediately connected with one of the most important public temples, one which is worshipped all over India,—that is, the temple of Tirupathi which is generally known in northern India as Balaji. There can be no doubt of the fact that in this country several of these public endowments have not been properly managed, have been mismanaged, and the funds also have been misdirected. I may be permitted to state a fact which may probably be unknown to the Members of this Assembly that it is the Government that first set the bad example of diverting the public funds to other purposes. In the case of this Tirupathi temple to which I have already referred, a temple which was under the management of Government for over 40 years up to the year 1843—in the case of that temple there was a large surplus of several lakhs every year from its income, and the Government which were managing that temple, after expending for the necessities of the temple, were diverting the surplus to other provincial purposes so much so that the High Court of Madras thought it necessary to justify the Government incidentally at least, and so, when an opportunity occurred, their Lordships of the High Court observed

[Mr. C. D. Duraiswami Aiyangar.]

in a dispute which arose between a trustee of that temple and another functionary there that the Government had been annually taking about Rs. 2½ lakhs of the surplus, but that they did so in their sovereign capacity. Anyhow, the fact is there that the surplus of the temple, which was more than Rs. 2½ lakhs per annum so far as my information goes, was misdirected to other uses by the Government. Had it been collected and kept for the benefit of the temple itself without being diverted to other provincial purposes of various kinds, that temple should have been handed over to the trustee in 1843 along with a net cash of Rs. 84 lakhs which to this day would have grown into several crores. After this temple was handed over to another trustee with an empty treasury, it has been able to make up a good large amount, but all the same a good deal of litigation had been going on about the proper management of the temple, and it even went up to the Privy Council. Finally a scheme was settled for the management of that temple by the Privy Council and since then it has been working wonderfully well. So far as the objections that are raised to this Bill are concerned, my Honourable friend, Dr. Gour, has explained their nature. I can very well understand the objections being considered in detail instead of opposing the principle itself. In fact, I thought that when my friend, Mr. Belvi, was quoting several authorities from extracts which have been supplied to every Member of this House—I thought he was quoting authorities against himself. The authorities which he has been quoting were in support of the principle ; some objected to the inadequacy of the provisions, while others raised objections on the ground that it should be left to the local Legislatures to deal with the matter. But any legislation of this Assembly will not in any manner prevent the local Legislatures making their own suitable legislation, but if we leave it only to the local Legislatures to do it they may perhaps take a long time over it, some may not even move in the matter at all, and some may take very many years before they move. Instead of that, if this Assembly undertakes a general legislation, a model legislation, laying down the principles according to which legislation on this subject must proceed, it will be a great object lesson, it will be a great benefit for the local Legislatures to act, and it will be a sort of very good guidance to them.

Sir, I myself am not perfectly satisfied with several of the provisions which have been embodied in this Bill of Dr. Gour. It seems to me that in some places it is extravagant and in some others it is very inadequate and miserly. So far as the definition of a trust is concerned, it is certainly extravagant. For my part, I should not at any stage be inclined to give any support to the inclusion of *mutts*, the inclusion of private charities, the inclusion of family trusts and other things in a legislation of this kind. But I should certainly be glad if legislation is undertaken so far as public temples in which all the Hindus are interested are concerned. Then an objection is raised that it is not this Legislature that must take this matter up but that it must be left to the Provincial Legislatures. I ask you, Sir, is a temple like Badri, Kasi Viswanatha, Balaji, Juggernath, local temples ? Are these district temples ? Are these provincial temples or are they All-India temples ? If they are All-India public institutions, why should not this Assembly take upon itself the responsibility of helping those interested in such temples to make their own move in the matter of enforcing the proper management of such institutions.

Mr. Jamnadas M. Mehta (Bombay Northern Division : Non-Muhammadan Rural) : Are you confining them to these temples only ?

Mr. C. Duraiswami Aiyangar : No. Therefore it is impossible to say whether a temple is a local temple or a provincial temple. Now, Sir, as regards the provisions of this Bill to which I made some reference already I find nowhere any provision made as to who is to come forward and enforce the provisions of this Bill. Dr. Gour enforces so many duties on the trustees. But the trustees sit at home without doing anything and there is no provision for anybody interested in such an institution coming forward and seeking relief and enforcing the provisions of this Bill. In some respects I say it is inadequate. In some respects it is extravagant. All the same there can be absolutely no doubt of the fact that the principle of safeguarding public institutions should be supported by an Assembly like this. It is the duty of the State, it is the duty of the Legislature of the State always to protect institutions like this. While I heartily support the idea, I do at the same time say that several institutions ought to be excluded from the scope of this Act because they are otherwise provided for or because they are institutions in which any interference will not be viewed with favour. Members of this Assembly will remember that on the last occasion when this came up for discussion before this House, the Honourable Sir Sivaswamy Aiyar has fully placed the state of the *mutts* of the Southern Presidency before this House and has pointed out how any interference or any inclusion of *mutts* which ought to be placed on a separate footing, which ought to be treated as religious institutions regulating the discipline between *guru* and *chela* will be viewed with disfavour. I entirely agree in that view of his. I qualify it by saying that institutions which are already provided for by schemes properly settled by courts, to which an exception is also made in this Bill, institutions which ought to be placed on a high footing of a reverential kind, institutions which are of a spiritual nature, institutions which regulate the discipline and spiritual teaching between *gurus* and *chelas* ought all to be excluded. Such institutions being kept apart, I accord my entire support to the principle underlying this Bill and to the fact that this Bill requires to be scrutinised and sent back to this Assembly in a perfect manner. With these few words I entirely support Dr. Gour's motion.

Pandit Motilal Nehru : I had no intention to intervene in this debate because I did not anticipate any of the objections that have been raised to this Bill being sent to the Select Committee. I do not think I need either make out that I am an orthodox Hindu or to make a confession that I am not an orthodox Hindu. I feel that I am entitled to participate in this debate for another reason and that reason is that I happen to be one of the beneficiaries of these trusts, though never contemplated by the authors of the trusts to be such a beneficiary. What I mean is this, that I have been concerned in my professional capacity with a large number of these trusts and a considerable portion of the trust funds has from time to time come into my pocket. I am therefore in one sense entitled to speak with some authority but at the same time, Sir, I feel that I shall not be justified in indulging in any breach of professional confidence. I shall not relate to the House certain facts and incidents which are fresh in my memory but I shall say this that I cannot understand how any provision of this Bill can be taken to affect the religion of the Hindus or their religious sentiments. All that the Bill proposes to do is to have a register of these properties and to ask these gentlemen who are in charge of these very large properties to keep an account. Now, so far as the principle goes we have a section in the Code of Civil Procedure (section 92) which gives the court juris-

[Pandit Motilal Nehru.]

diction to go into these matters and which gives the public the right to bring an administration suit under the conditions provided by that section. That being so, I do not see what greater inroad this Bill can make into the religious sentiments and feelings of the Hindu public. A public trust is a public trust, whether the object is religious, moral or charitable and whenever there is a public trust in any country affecting any community, it is the business of the State to see that it is properly administered. I shall not go into the provisions of the Bill and shall not say how far it deserves to be modified in Select Committee but confine myself to the fact that there is a strong case made out for its being referred to the Select Committee. There can be no possible doubt as to that.

Now, it has been stated that this is a reform which ought to come from within. I ask Honourable Members of this House how is it possible for the Hindu society, even if it could agree unanimously upon this point, to compel any *mahant* to keep proper accounts, unless there is legislation on the subject. There are certain things which without encroaching upon the domains of social life can only be accomplished by legislation and this is one of those things. I fail to see how else it is possible by any means whatever to see to the proper administration of these funds which are called religious funds. Now it will be said that an action at law is permissible. I agree but it will be the courts who will compel the execution of the trust in a proper and fit manner. What does Dr. Gour's Bill aim at ? It aims at simply this, that if occasion arises for any member of the public to avail of the right which he undoubtedly possesses at this moment without Dr. Gour's Bill the courts will be in a better position to give their decision and the public would be in a better position to avail of the assistance of the courts in these matters if the Bill is passed into law. The facts would be there. The accounts would be there. The list of the property will be there and it will be far easier in those circumstances to know whether there has been a breach of trust or not. As it is, I know whenever there is a case of breach of trust the decision more often than not is that there is no breach of trust simply because all the facts cannot be placed before the court. The first plea is that section 539 which was the old section or the present section 92 does not apply. If the fortunate trustee is able to show that that section has no application, no further steps can be taken against him but if he does come within section 92 there is often no material before the court or under the control of the party to enable the court to do justice. Some of the trustees do keep accounts of a sort. Others do not keep any accounts.

That there are no cases of breach of trust, I think it will take a bold man to assert. For these reasons I submit that false issues have been raised upon this very, very simple Bill and questions of religious belief and religious sentiment have been mixed up with what is purely a civil right and the right of the whole Hindu public. I would therefore strongly support the motion of Dr. Gour, though I may add that if I can be excused from serving on the Select Committee I shall be very glad. Dr. Gour has got so many able men there already. I quite agree with the Honourable gentleman who said that the great majority of the persons on the Committee should be orthodox members. I do not claim to be orthodox in the common sense in which orthodoxy is understood, though I do not yield to any one in this House or outside in being as good a Hindu, as good a Brahmin as any other.

Mr. Harchandrai Vishindas (Sind : Non-Muhammadan) : I rise to offer my whole-hearted support to the Bill. To begin with I do not think it is a question in which orthodoxy or heterodoxy can determine the issue. Who is orthodox is a very difficult point to decide. My friend Mr. Duraiswami Aiyangar claims to be orthodox although he eats with Christians. Perhaps his idea is that eating *dhal* and curry and vegetables is being orthodox. My friend Pandit Malaviya will join issue with this and he will say only taking food at the hands of a Brahmin makes an orthodox Hindu. Therefore I say it is entirely wrong to drag the red herring of orthodoxy across the trail of this Bill. Mr. Acharya said it is no use hurting the feelings of Hindus. How the Bill is hurting the feelings of Hindus I can not understand. Hindus should rejoice that provision is being made for their public trusts and their charitable trusts being properly looked after and properly preserved. I myself was going to say the same thing as was said by Pandit Motilal Nehru at the end of his remarks and therefore he has practically taken the words out of my mouth—that at present as matters stand they are not sufficient for the protection of properties, trusts, etc. Now we Hindus having before our eyes the Akali agitation should be rather strongly in favour of a Bill of this nature. That agitation shows that the Akalis are greatly dissatisfied with the management of their trusts and temples, and Government, as well as the rest of the public, are very anxious that some kind of legislation should be carried in order that no such disputes about these temples or *mahants* may arise in future. I think a provision of this nature will also provide a remedy of that kind, because if it was made obligatory on everybody who is connected with a public trust to keep accounts and to have them audited, then much of the ground of complaint that is now urged will have been removed. Mr. Belvi laid great stress upon the fact that this should be a matter of provincial legislation. Why ? It may be that in some Provinces there are public-spirited men coming forward to propose this legislation, whereas there may be no such men in other Provinces ; or perhaps in some Provinces the influence of the *mahants* or the trustees of religious trusts is so very strong that nobody likes to oppose them, and no such legislation is brought forward. Moreover, it cannot be said that because it is a transferred subject therefore it is outside the jurisdiction of the Central Legislature. On the contrary, it is a matter which it were more advisable should be of an All-India nature so that each Province and each area may come under its jurisdiction and control.

As I said at the beginning, it is not a question of orthodoxy or heterodoxy. It is a question of honesty *versus* dishonesty. As it is I think the whole body of *mahants*, etc., will try to oppose this Bill tooth and nail, and I think Hindus as Hindus, whether they be vegetable eaters or meat eaters, ought to see that this dishonesty is not perpetuated, and that those temples and those temple keepers who are fattening upon our monies should be properly looked after. I think, therefore, that every Hindu ought to feel it his duty to support this Bill. Where is the question of Hinduism in this question ? Even our Civil Code lays down in the particular section referred to by Pandit Motilal Nehru—the present section 92 and the old section 539—that any trustee can be brought to account. Well this Bill facilitates the business. It is not a question of Hinduism or Muhammadanism or any other religion. It is a question of any public trust, whether it be under the Hindu, Muhammadan or any other religion. This Bill is simply a reinforcement of a provision of law that is already

[Mr. Harchandrai Vishindas.]

there, by laying down certain provisions by which you can render those trustees responsible for any malversations of their trusts. That is a thing which should be encouraged by anybody, whether Hindu or Muhammadan, and therefore instead of opposing this Bill we all ought to be grateful to Dr. Gour for the trouble he has taken in drawing it up.

Diwan Bahadur M. Ramachandra Rao (Godavari *cum* Kistna : Non-Muhammadan Rural) : Sir, I entirely support the principle of this measure and I associate myself fully with the observations made by my Honourable friend Pandit Motilal Nehru. Sir, I believe that this is one of those measures in which a certain amount of uniformity of legislation is absolutely desirable ; and it is on account of the All-India importance of this question that the difficulty we are now faced with in regard to one of our own Bills in Madras has arisen. This Bill merely deals with three or four questions of great importance to public trusts. One is the obligation to furnish particulars relating to trusts, and the second is the question of statements of accounts and audit.

Now in regard to these two matters there can be no question that owing to there being no suitable provision many trusts have disappeared and money has been misappropriated by trustees and *mahants* in various parts of the country. I think therefore that so far as the provisions of this Bill are concerned, there is no doubt that the uniformity aimed at by this Bill, in asking *mahants* and trustees to have statements of particulars of properties in their possession and to furnish annual accounts, is a very wholesome provision. If in addition to these provisions, any Provincial Legislature wishes to undertake legislation for the protection of their trusts, there is absolutely no bar to such a procedure. I should therefore think, Sir, that the argument urged, that this is a provincial subject, is altogether beside the point, because this subject is also subject to the Indian Legislature. So on these particular grounds it seems to me that this Bill is essentially sound.

As regards the details of this Bill, certainly they will be very carefully examined in the Select Committee. I am in entire agreement with the observations of my Honourable friend Mr. Duraiswami Aiyangar with regard to *mutts* and other private trusts, and the agitation which has arisen in Madras with regard to the Bill which has not yet received the sanction of the Viceroy is mainly due to the fact that Dr. Gour has included private trusts in the scope of the Bill which has formed the subject of great controversy in Madras. I therefore think, Sir, that on the broad ground that this Legislature is entitled to deal with this subject and to lay down certain uniform principles for the administration of property and funds, a measure like this is desirable. On these grounds I support the Bill.

Mr. M. A. Jinnah (Bombay City : Muhammadan Urban) : Sir, I think it will be most unfortunate if this House should throw out this Bill. Dr. Gour has earned a reputation as a social reformer and he has shown so much zeal that now he is being looked upon with a certain amount of suspicion.

I want this House to understand clearly that this has nothing whatever to do with social reform, nor has it got anything to do with religion. I think this House will agree with me that prevention is

better than cure and this Bill is intended to be a preventive and nothing more. At present there are many trusts, probably unknown trusts, of such a character that their beneficiaries do not know what their rights are ; what is more, they are indifferent and sometimes they do not care whether the trusts are properly administered or not. This Bill is not intended to interfere with the Hindu religion. Although I am a Muhammadan and I was quite willing to serve on the Committee, I may assure the House that I shall be the last person to be a party to any measure which was likely to hurt the religious feelings of the Hindus and their sentiments. I want to assure the House that this Bill has nothing whatever to do with the Hindu religion. At present what is the position ? Supposing a trustee maladministers a trust or commits a breach of trust. The position is, as Pundit Motilal Nehru pointed out, that somebody has got to go to court ; that is, after the breaches have been committed, after the funds are misappropriated, somebody goes to court, and what is the result ? The result is that an enormous amount of money is spent and ultimately the court frames a scheme as to how that trust is to be administered. If we have this Bill it would mean that every trustee will have to disclose the nature of the trust, the instrument under which he is a trustee and he will have to place his accounts regularly before an authority and it will be open to any member of the public to go and see the accounts and examine them ; and therefore there is this check which will prevent maladministration and misappropriation and breach of trust. Therefore I hope this House will realise what is the true issue before it and will allow this Bill to go to Select Committee.

Baba Ujagar Singh Bedi (Punjab : Landholders) : Sir, there seems no need at all for me to support the motion, because there has already been a good deal of support for it. I find, Sir, that since this little bit of reforms has come to India, a sort of malady has crept into the arena of the Legislature to reform our religious liberties through the Legislature by the way of penalising them. But what is our position now with regard to the motion ? There was a time, when this House could have opposed this Bill when it was before them for discussion at the time of introduction ; there will be yet another time when the Bill will come up before the House for further discussion. But what is the position of the House now ? The Honourable Dr. Gour only says that the Bill should be referred to a Select Committee. The Bill will be thrashed out in the Select Committee and after necessary alteration will come up before the House for consideration. Under the circumstances, there is no need at present to oppose or to support the Bill as it now stands. We have only to see whether the proposition put forward by Dr. Gour is agreeable or not. Therefore, as he seeks that the Bill should be referred to Select Committee, there seems no harm if we agree to the proposal. With these words I support the motion.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, so far as the object of the Bill is concerned there could be no two opinions that it is a good one. But the provisions of the Bill as they now stand are undoubtedly open to objection—some of them. The motion is that the Bill should go before a Select Committee. I hope all will agree to it in the confidence that in the Select Committee the provisions of the Bill will be carefully

[Pandit Madan Mohan Malaviya.]

examined ; and I hope the portions that are open to objection will be improved and that when the Bill comes up before us for consideration it will be in a form which will make it generally acceptable. The provisions which have excited comment and rightly so, relate to the permission which is given to any man to ask for further particulars of accounts. Every man is not entitled to ask for particulars of accounts relating to Hindu temples or *mutts* or trusts. I do not agree that the Bill has nothing to do with the Hindu religion ; it has a great deal to do with it. But the point is whether it will in any way go against the object of those who founded the trusts or endowments which it will affect—or against the Hindu religion itself. I think the Select Committee ought to be trusted to so modify the provisions that there will be no reasonable ground for such apprehensions. So also with regard to the provision for penalty. This is a measure which is being introduced for the first time in a community which has never known legislative interference with religious or charitable trusts. We have to proceed cautiously. I do not know whether many of the Members who have spoken in support of the Bill or in support of its reference to a Select Committee have realised all the complicated problems which will arise in connection with the working of a Bill like the present when it becomes an Act. But the object is distinctly one which we ought to support and therefore I join with those who desire that the Bill should be referred to a Select Committee, and I hope it will be so referred unanimously.

Seth Govind Das (Central Provinces : Landholders) : Sir, first of all I may say that I am an orthodox Hindu in every way. Still I support the Bill of my Honourable friend, Dr. Gour. Sir, I have visited practically all the chief temples and holy places of the east, west and south India and I have found that practically all the *mahants* and *pujaris* of these temples and trusts are embezzling money like anything,—not all, but practically all ; I think the majority of them are doing that. Everybody knows that millions of the poor people of India who are hard pressed for their bread and butter provide money anyhow to go to these sacred places and give some money to these temples. Now, Sir, no orthodox Hindu can stand the sight of money being embezzled in this way. According to the Hindu *sastras*, Sir, the donor of any charity is responsible for the way in which the money of his charity is spent. (*Cries of* "No".) I say certainly 'yes' and I can prove it, that every donor is responsible for the way in which his charity is spent ; and therefore to make these *mahants* and *pujaris* true *mahants* and true *pujaris* I think that this Bill should be passed and I think there can be no objection to its going before a Select Committee. I support the motion of my Honourable friend, Dr. Gour.

The Honourable Sir Alexander Muddiman (Home Member): Sir, perhaps it would be as well if I say a few words at this stage as to the attitude of Government on this Bill. The Bill was circulated on a motion passed by the Assembly on the 28th of February last. The actual circulation was effected on the 7th of March. The last paper of opinions which contained very important opinions from the Punjab, Madras and Bengal, only reached me on the 14th of this month. It has therefore, as Honourable Members will understand, been impossible for me to consider them in the way they ought to be considered and obtain

orders as to what attitude should be adopted by the Government on this Bill and therefore anything I may say must be purely of a provisional nature.

With the general object of the Bill—better provision for the management of Hindu Trust properties throughout India. I am wholly in sympathy. But here we are dealing with rather delicate ground. In the first place, the Bill deals with a transferred subject. If the House passes this motion for reference to a Select Committee, they will be affirming the proposition that this is a suitable matter to be dealt with by the Imperial Legislature. From a cursory examination I was able to give to the opinions forwarded by the Local Governments, I think there has been some objection to that view, and you have to remember that this is a matter in which those who look forward to greater power in the Provinces should move cautiously. At any rate, it should be very carefully examined to see what the Ministers have said about it.

Then another point has been brought forward. The Bill as I understand it is modelled very largely on a Bill which was passed by this House dealing with the Muhammadan endowments, or it follows it very closely. Now, it is a matter, I am sure, which requires very careful examination whether a Bill drawn on those lines is really the Bill you want. One point certainly attracted my attention and that is the definition of "Trust". It will require much care.

Pandit Motilal Nehru : I do not agree with that.

The Honourable Sir Alexander Muddiman : Again, allusion was made by some Honourable Members to the Tirupati temple. Well, Sir, I seem to have heard a good deal of that in recent months. Surely, that was the temple which was affected by the Bill which was passed by the Madras Legislature—the Madras Religious Endowments Act. That was the case I think where a point was raised whether a temple which had a scheme sanctioned by the Privy Council fell within the purview of that Act.

Now, I think the fact that you have disputes in connection with temples in the province which passed the Bill indicates the need of caution. It has been said—I have no doubt rightly—by Honourable Members that many of these temples are really far more than provincial in their importance. That may be so, Sir, but I think that on the whole it would be wise to be cautious in taking out of the hands of those who presumably must in the first instance have founded these temples the control thereof. It does seem to me a matter which must be seriously borne in mind. I take it that temples of this kind ought to be served and managed by the people in the provinces in which they are. I take it that those who attend to shrines are for the most part inhabitants of the neighbouring districts. I do not know whether I am right in that. If I am wrong I am open to correction. But that, I think, is the case. And therefore it does seem to me that, when you are dealing with that class of subject, it is a matter, which you must think over before you decide that this kind of legislation should be undertaken in the Imperial Legislature.

In all I have said I am expressing a purely provisional opinion. I am not in a position to express the opinion of the Government of India. Now, Dr. Gour has moved that this Bill be referred to a Select Committee—a large Select Committee. It is quite clear that this Select Committee

[Sir Alexander Muddiman.]

cannot meet this session. So I suggest to him that he should consent to postponement of this debate till the next session when I shall be in a position to state more definitely the opinion of the Government of India. I do not think it will waste any time as regards the progress of the Bill and I think it might be more satisfactory that the House should decide on a fuller statement of the case from this side of the House. I leave it to him.

Dr. H. S. Gour : Sir, I shall very briefly reply to the criticisms that have been levelled against my amendment and I shall last of all reply to the suggestion made by the Honourable the Home Member.

My Honourable friend, Mr. Belvi opposed this Bill on the ground that it is a provincial subject, an objection which has been reiterated by the Honourable the Home Member. Now, Sir, I am surprised that any Member in this House should forget the plain fact that the Hindu community is not a provincial subject, and the Hindu community all over India is interested in all its sacred shrines wherever they are situated. Whether they are in Orissa or in Madras or in Bombay or in the Punjab, the Hindu community at large is interested in their upkeep. How can the provincial Legislature deal with a subject which is an All-India subject. And secondly, I beg to point out that all our sacred shrines, wherever they are situated, are resorted to by members of the Hindu community from all parts of India, from which they are the recipients of endowments.

Mr. President : One minute, Dr. Gour. I must remind the Honourable gentleman that, if he continues on this line and then accepts the proposals made by the Home Member, when we come to this debate in the Delhi session I shall not then be able to give him the same rights of speech as I can now. If, therefore, he wishes to accept the proposal made by the Honourable the Home Member, namely to defer consideration till the Delhi session, then of course I shall still be able to give him his right of reply ; but if he continues to discuss on their merits the arguments for and against the present measure, then I shall not be in the same position as I would otherwise be.

Dr. H. S. Gour : Very well, Sir. Now, that is my first point.

Mr. President : Then am I to assume the Honourable Member is not going to accept it ?

Dr. H. S. Gour : No, Sir, I want to take it to the Select Committee now.

Then, as regards the existing provisions of the Code of Civil Procedure, I think my Honourable friends are perfectly aware that section 92 of the Code of Civil Procedure deals with a very short measure, namely that when any person interested in a public religious trust obtains the permission of the Advocate General he may institute a suit, whereas my measure is intended to bring upon one national register all the religious and charitable institutions in the country for the benefit of the community at large. That is not covered by either the Code of Civil Procedure or by the Charitable and Religious Trust Act of 1920.

Then, Sir, two Honourable Members got up and said that they very strongly objected to the Bill, and that is all that they have said about it. Very well, Sir, my reply to them is that I very strongly support it.

Now, turning to the Honourable the Home Member, I have already pointed out, Sir, that a Bill of a very similar character was passed by this Assembly last year and I see no reason whatever why any impediment should be thrown in the way of the passage of this measure which is supplementary and complementary to my friend Maulvi Abul Kasem's Mussulman Waqfs Act. As a matter of fact, Sir, before that Bill came up for discussion in the House, the intention of some of the Members was to incorporate the provisions of the Hindu Religious Trust Act and make an All-India Religious and Charitable Trust Act, but it was found that it would be more expedient to introduce in the first instance a Muhammadan Waqf Act, and then to introduce a Hindu Trust Act and thereafter to incorporate and consolidate the two into an All-India measure.

That intention, I submit, would be defeated if this House did not give the leave which I seek for taking this measure to the Select Committee.

Well, Sir, having said this, and having forfeited my right of speech in Delhi, my friends tell me that nothing will be lost by acceding to the postponement of this motion till the Delhi session. I therefore do so.

Mr. President : I only asked the Honourable Member if he wished to accept the Honourable the Home Member's suggestion. I was not suggesting whether he should accept it or not. I pointed out the conditions that accompanied the acceptance of that suggestion. I cannot now allow the same free debate to proceed as when we meet again in January. I may suggest to the House, however, that it really comes to the same thing. Owing to the pressure of business at this moment, it seems improbable that the Select Committee can sit, say before January, and presumably in January the Home Member will be more readily in a position.

Dr. H. S. Gour : In that case, would the Honourable the Home Member agree if I undertake that, if the Select Committee is appointed, not to convene its meeting till the Honourable the Home Member is in a position to obtain and inform us of the opinion of the Government.

The Honourable Sir Alexander Muddiman : I am afraid I cannot agree to that. The whole point is that if you pass the motion to Select Committee you will be accepting the principle of the Bill. I am quite prepared to make the offer again. I shall have the further advantage of considering the matter in the light of the speech of my Honourable friend. I move that the debate be adjourned.

Mr. President : The original question was :

"That the Bill to make provision for the better management of Hindu religious and charitable trust property and for ensuring the keeping and publication of proper accounts in respect of such properties be referred to a Select Committee."

Since which an amendment has been moved :

"That the debate be adjourned."

The question I have to put is that the debate be adjourned.

The motion was adopted.

The Assembly then adjourned for Lunch till Twenty Five Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Thirty Five Minutes Past Two of the Clock, Mr. President in the Chair.

THE INDIAN CRIMINAL LAW AMENDMENT (REPEALING) BILL.

Dr. H. S. Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I beg to move that the Bill to repeal certain provisions of the Indian Criminal Law Amendment Act, 1908, be taken into consideration.

Honourable Members will remember that when introducing the Bill on the 25th March 1924 I gave my reasons in support of my motion. Briefly stated, they were these. The Repressive Laws Committee in paragraph 26 of their report had reported as follows :

> "We sincerely hope that it may be possible for Government to undertake the necessary legislation during the Delhi session, but it is impossible for us to make any definite recommendations on the point at present. We hope that the repeal of these Acts may be expedited by a healthy change in the character of the agitation going on at present. The duration of retention rests in other hands than ours."

This was the report of the Repressive Laws Committee dated the 2nd September 1921. The members of the Repressive Laws Committee had strongly recommended, as Honourable Members will find, that the repeal of the Criminal Law Amendment Act might take place during the ensuing Delhi session, that is to say, during the months of February and March 1922. It was up to the Members of the Repressive Laws Committee including the Government who were parties to that report, to bring forward a measure of legislation for the repeal of the Criminal Law Amendment Act. They did, indeed, introduce a measure for the repeal of certain repressive laws including Part I of the Criminal Law Amendment Act, but Part II of that Act still finds a place on the Statute-book. In the last Assembly the attention of Government was drawn to this recommendation and this obligation which rested upon them. But, unfortunately, the attempt failed. As one of the humble members of that Committee I feel that it is my duty to make good a recommendation to which I subscribed, namely, that the Criminal Law Amendment Act shall be removed from the Statute-book as soon as possible.

Well, Sir, I do not wish to go into the history of this Act once more. It was passed, as Honourable Members will see, in 1908, and if Honourable Members will turn to the report of the debates of that time they will find that the primary reason given by Sir Harvey Adamson who introduced this Act was the prevalence of anarchical crime in Bengal, and indeed throughout the country and the Bill was modelled upon two Bills popularly known as the Irish Coercion Acts, but with this difference that while the Irish Coercion Acts deal specifically with *mens rea* by introducing the term "knowingly becomes a member of the association and so forth", these words were omitted from the Criminal Law Amendment Act. A distinguished lawyer, no less than the late Dr. Sir Rash Behari Ghose, pointed out the difference and moved an amendment to that effect, but he was in a minority in those days because the Government had the majority in the Imperial Legislative Council and his motion was defeated. Now, Sir, when I introduced the Bill I stated that if there was any such crime in the country the ordinary laws, which had been strengthened since by the enactment of the conspiracy sections, were sufficient to deal with it. Sir Malcolm Hailey opposing my

motion for introduction gave three reasons for opposing it, and I shall confine my remarks at the present moment to dealing with those three points which he made on that day and to which I could not then reply. The first point was that this is a power given by the Legislature to the Executive and therefore the Executive are entitled to exercise it, to which I reply that the power was undoubtedly given by the Legislature to the Executive but it was given at a time when the Legislature was a branch of the Executive, and in any case the legislature can revoke the power it gave, and the more so since it has been unanimously condemned by the mixed Committee constituted by Government to deal with the repressive laws. The second point raised by the then Home Member was that the time was inopportune for the repeal of this enactment. Now, Sir, I wish to ask, when will the time be opportune for its repeal, and what are the conditions which must be established before Government would apply for its repeal ? The reforms have been inaugurated by the Act of 1919. A different policy has been enunciated by Parliament. The old Imperial Council has ceased to exist and we are the pioneers of a future Parliament which is to take its place. I therefore submit that it is up to us as representatives of the people to declare whether the time is not now opportune for giving effect to the recommendation of a committee as thoroughly representative as the Repressive Laws Committee was. I further beg to say that while in 1908 there may have been some defect in the statute law of the country to deal with organised conspiracies to overawe the established Government, the Statute-book has been strengthened by the enactment of two sections known as the conspiracy sections added to the Indian Penal Code. It has been said, and I have no doubt it will be said again, that the standard of proof required to bring an offender to justice under the conspiracy sections is far too high and that therefore some measure of the character of Act XIV of 1908 is required to arm the Executive with the power of dealing with organised conspiracies. Well, Sir, I am speaking here as a lawyer and I ask those who study its provision to say whether it is not a fact that if you have no proof to establish a conspiracy you have no case at all to convict a member thereof and if you have proof you will be able to bring him to justice under the ordinary penal law of the country. The Honourable Sir Malcolm Hailey said that this House while repealing the Criminal Law Amendment Act was offering the Government no substitute. I have already dealt with this point and I have pointed out that there is a substitute existing on the Statute-book which the Government are loath to resort to merely because they think that some evidence is required and the ordinary procedure laid down for the trial of offenders by the Code of Criminal Procedure would have to be followed. It is for this House to declare whether it is a right and proper thing for the Executive Government in this country to assume the role of judges in cases in which they are substantially the complainants, and I therefore submit that the existence of this Statute is repugnant to the primary principle of criminal jurisprudence as known to the lawyers of this and indeed of any country. I therefore beg to submit that since 1908 and indeed since 1921 when the Repressive Laws Committee penned their report, the political situation in this country has improved and if it has not greatly improved it is not due to any defect on the part of the legislature but it is due to an agitation kept up for the purpose of enlarging popular liberties, and if there are sporadic cases of anarchical crimes in any part

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of India, the ordinary machinery of the law is sufficiently strong to deal with it. On these grounds, Sir, I feel fortified in asking this House to accept my motion to take my Bill into further consideration. I move it.

The Honourable Sir Alexander Muddiman (Home Member) : I think it will be well if I rise at this early stage to deal with this motion. The matter is one of very great importance. I may assure this House that speaking personally I am one of those who regard anything in the nature of legislation which is in excess of the ordinary criminal law and involves the conferment of special powers on the Executive Government with the greatest suspicion. That is my training. That is the school in which I have been brought up. I agree that where one opposes a motion of the kind brought forward by my Honourable friend one is arguing a case which requires special justification. I admit all that. But, Sir, one has to consider that there are situations where special provisions are needed to meet special cases. There is one overriding law that overrides all laws and that is *vox populi suprema lex*. There is one function that every Government must perform and that is to see that the law is maintained. If it cannot be maintained by the ordinary methods it must be maintained by other ways. That is a primary function of all Governments be they responsible or irresponsible. When the arm of the law is made powerless, whatever form that takes and rights cannot be enforced, the state ceases to function and a Government that is so faithless to its primary duty ought to cease to exist. That, Sir, is on the general point. I certainly am one of those who believe that whatever measures may be necessary to preserve the State from anarchy, those measures must be undertaken and I am sure that there is no one in this House, however much he may differ as to methods, who will affirm to the contrary. It may be said that "this law is unnecessary. You do not want it." I am quite sure that if I can convince this Assembly that this law was and is necessary for the maintenance of law and order and for the prevention of anarchy then I shall have the vote of every Member in this House. My Honourable friend Dr. Gour has dealt very shortly with the history of this law. I must go into it in a little more detail. It was enacted as you all know in the year 1908. It was brought forward by Sir Harvey Adamson who was then Home Member and the ground on which he brought it forward was that it was necessary to deal with an anarchical conspiracy in Bengal. Now, with regard to that I have never heard it contested that that conspiracy did not exist, that it caused great suffering, great loss of life throughout Bengal. That, I think, is admitted. No one has ever denied it and I do not thing it necessary at this stage to revive old histories and old troubles. I think the House would admit that in the period following there was a most serious outbreak which led to great loss of life, great destruction of property and all the evils that follow when law breaks down. Now, my Honourable friend made a great point of the fact that the repeal of this law was recommended by the Repressive Laws Committee, as it is so called. I understand he refers to a Committee which was presided over by Sir Tej Bahadur Sapru of which my friend Sir William Vincent, who was then Home Member, was a member. I will read what that committee recommended in regard to this Bill.

"As regards the Indian Criminal Law Amendment Act, 1908, it has been suggested that sections of the Indian Penal Code are sufficient to cope with any situation that is now likely to arise. It is generally accepted that Part I of this Act has failed to achieve in Bengal the purpose for which it was designed. As regards Part II, the conspiracy sections of the Indian Penal Code might meet the case if, but only if, evidence were forthcoming. It was in no small measure the impossibility of obtaining evidence owing to the intimidation of witnesses that led to this enactment. As we have already seen, there is definite evidence of certain organisations encouraging acts of violence or resorting to intimidation."

Then they go on to deal with the situation in Delhi and in other parts of India. I will read what they say :

"We have received information of a possible recrudescence of secret associations in another part of India. It has also been stated in evidence that Bolshevik emissaries have entered in India."

I ask the House to note that last remark :

"and we cannot overlook the possibility of illegal associations promoted by them terrorising the population and engaging in a campaign of crime and terrorism. Its object is not only to break down existing unlawful associations but to deter young and comparatively guiltless persons from joining these bodies and to discourage the supply of pecuniary assistance. We regret that we cannot at this juncture recommend the immediate repeal of Part II of this Act."

That was their recommendation. I have read that to the House because it has been put forward that Government was under some kind of a pledge to this Committee. I submit that is not so. They said simply that the time was not ripe to repeal the Act.

Dr. H. S. Gour : May I ask the Honourable the Home Member to read on further. In the next paragraph they say it should be recommended to be repealed.

The Honourable Sir Alexander Muddiman : I cannot find that.

Dr. H. S. Gour : I have got it here, Sir.

The Honourable Sir Alexander Muddiman : If the Honourable Member will give it to me I will consider it later, but it is not in my copy in the paragraph from which I was reading. Then my Honourable friend did not refer to a matter of some importance. He said this Act was passed when the Legislature was a branch of the Executive. Sir, I demur to that. At any rate, this Act has been before this Assembly on a previous occasion. In the last Assembly on the 3rd July 1923 a motion was introduced recommending the repeal of that Act. That motion was rejected. The House would not even grant leave for its introduction. That is a matter of some interest. It shows at any rate that it did not merely rest on the authority of the pre-war Council. (*An Honourable Member*: "Not here !"). It was not this Assembly which threw out the motion, but I am perfectly justified in pointing out that it was not merely the pre-War Council that dealt with this Act. I am justified in saying that I do not wish to put my case one inch higher than this, but I am justified in going so far as to say that by refusing leave to introduce, the last Assembly recognised the necessity—at any rate at that time—for the existence of the Act. I think it goes as far as that. We are now faced with the consideration of this Bill and I understood my Honourable friend to base his contention very largely on the suggestion that the state of India is at present so peaceful that it is possible without danger to the Executive to repeal the Act. Well, Sir, is the state of India so peaceful ? I will deal with that later but that was what I understood my Honourable friend's contention to be. Now the wheel of fate turns

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in a curious way at times. This Act was introduced to deal with anarchical crime in 1908. This is the year of grace 1924. Now I am going to read to the House a few facts as regards the present situation in Bengal. I will employ no arguments and let the House draw its own deductions. Sir, you say in your noble Doric of the North : " facts are stern things and winna ding " and if you will excuse my Southron pronunciation, I will apply that to what I am now going to put before the House. My predecessor Sir Malcolm Hailey in his speech on the motion opposing the introduction of this Bill said :

" I do not wish to suggest to the House that the whole of these circumstances may recur ; but no attempt has been made in this House to deny the fact that there has lately been a recrudescence of revolutionary conspiracy in Bengal, and those who know the details of that movement will recognise that it is directed by the same associations as directed it in 1908, and that those associations have the same motives, and the same objective of murder and assassination as they had at that date."

Now, Sir, that is a grave statement to be made by a responsible Member of the Government—the Member most interested and charged with the protection, the defence of law and order. It is a statement that requires substantiation and I will endeavour to substantiate it. These are the facts. I will not take the House back beyond well within the year. The first fact I will draw their attention to is that on the 14th December a dacoity was committed in the Chittagong district in which Rs. 17,000 was stolen from a hackney carriage. The money belonged to the Assam-Bengal Railway, and the dacoits who committed that offence were *bhadra log.* I do not propose to mention any names. On the 24th December, 10 days afterwards, pistols and cartridges were recovered by the police in a scuffle with certain men. That is nothing in itself but what is of the very greatest importance—and I invite the attention of the House to it—is this, that the cartridges were cartridges of a type which cannot be bought in India. Therefore they were illegally imported cartridges. That is the point. Sir, on the 11th of January 1924, a harmless European Mr. Day was shot in Calcutta in mistake. The facts are known. The outrage was directed really at the Commissioner of Police, our chief Police Officer in Calcutta, Mr. Tegart ; and here I pause to say that Mr. Tegart's services to Government have been of the most remarkable character, and even those with whom he comes in conflict will bear witness to the fairness and courage with which he has conducted his operations. Now Sir, what was the cartridge used ? It was again a cartridge that cannot be bought in India. It was a cartridge of the same kind as was used in the second Chittagong dacoity. On the 15th March the police searched a house in Calcutta, when very dangerous bombs were discovered, two men were sent up for trial and they received long terms of imprisonment. These were not toy bombs made in the bazaar, but bombs made by someone skilled in the art of making bombs and of a most dangerous character. I proceed with the story. On the 30th of March one of the Mauser pistols which were stolen from Rodda in 1914 was recovered. The person implicated was convicted under the Arms Act. Now the House is aware that in the year 1908 a parcel of 50 pistols was stolen from a gun-maker in Calcutta—the firm of Rodda. The recovery of those pistols have involved a very heavy loss of human life, and they have been used in many murders that have taken place in connection with anarchist crimes. On the 13th April an attempt was made to shoot a European named Mr. Bruce ; here again there was no doubt whatever that the attack was

really directed against Mr. Tegart who was Commissioner of Police in Calcutta ; the unfortunate Mr. Bruce had nothing whatever to do with politics or anything of the kind ; the attack was apparently committed because from the colour of his car he was taken for the Commissioner of Police.

On the 25th of May an unfortunate sub-inspector of police, Profulla Chandra Roy, was shot down as a result of performing his duty in arresting certain persons ; there was nothing whatever against him beyond that ; he was shot down like a dog. On the 13th of June an arrest was made of a man with a loaded revolver and thirty cartridges and he was convicted under the Arms Act. Towards the end of June Red Bengal leaflets were circulated in Calcutta. These leaflets advocate the murder of police officers, and terrorism and offer threats to all those who assist the Government in any way in repressing revolutionary crime. These leaflets were again widely distributed during a protest meeting which was held in connection with some observations that had been made by Lord Lytton which had attracted public attention. Taking advantage of the feeling against the Governor of Bengal these murderous leaflets were circulated again and I may tell the House that the circulation of similar leaflets was an incident in the previous trouble in Bengal and shortly after their circulation outrages were committed. On the 23rd August a bomb outrage was committed in Mirzapur Street, Calcutta, in which one innocent person lost his life. The accused is under trial and I will say no more about it except that the instrument of death was of a most dangerous character and evidently prepared by a man who was skilled in the work.

Those are the facts, Sir, that I lay before the House and I think the House could draw their own conclusions from it.....

Dr. H. S. Gour : I am sorry to interrupt the Honourable the Home Member ; but is the Criminal Law Amendment Act in force in Bengal ? It is not.

The Honourable Sir Alexander Muddiman : The Indian Criminal Law Amendment Act extends to the province of Bengal and Eastern Bengal and Assam ; but it may be extended by the Local Government in any other province.

Now, Sir, I state those facts to the House not to create prejudice, not to lay any undue stress on them. I do not suggest that taking India as a whole things are not better than a few years ago. If a tiger kills in the jungles of Bengal or the red cock crows on the ruined houses of Kohat, the Government of India must recognize the immense size of the country. I have mentioned these *crimes* to call the very serious attention of the House to the position in one part of India.

Now, Sir, let me read to you the opinion of a gentleman who is, I understand, the leader of the Swaraj Party in Bengal. What does that gentleman say ? He gave an interview and I understand that what he said was revised by him—so it is not a mere careless statement. The interviewer apparently asked him " You think, then, that there is an anarchist movement in Bengal ? " " Undoubtedly " replied Mr. Das, " and a much more serious anarchist movement than the authorities realise." If it is more serious than we realise—I have no means of checking that because it is very serious—then, Sir, that establishes my

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point, that as regards Bengal my predecessor Sir Malcolm Hailey's statement was perfectly correct and indeed an understatement of the case.

Now, Sir, what is the view of the House on a point like this? As a government we are threatened with an anarchist conspiracy which we are told is more dangerous than we are aware of. At a juncture like this are we to throw away any weapon in our hands? Would we be justified in doing so? That is the point I should like to put to the House. We have the responsibility of maintaining law and order. I fear that perhaps an Act like this will not be sufficient; but are we justified in rejecting any power we have? Can we be fairly asked, when we have these troubles in front of us, to repeal this Act? And, mind you, my Honourable friend offers no substitute. He says "No; the Act must go; there is no trouble in India; you can deal with any trouble by the ordinary law." Now, Sir, is that true? Can organised associations devoting themselves to crime be dealt with by the ordinary law? Can the ordinary law deal with terrorism of witnesses and the like? I submit it is not so. No one would be better pleased.....

Dr. H. S. Gour: To enable my Honourable friend to develop his argument, may I say that I have offered a substitute, namely, the Criminal Law Amendment Act of 1913, known as the Conspiracy Act, which adds sections 120A and 120B to the Indian Penal Code?

The Honourable Sir Alexander Muddiman: I thank my Honourable friend; but I will read to the House what he himself says in his own book on the Penal Code in regard to evidence in conspiracies:

"Direct evidence is seldom available to prove a conspiracy; even when available it is tainted as being the evidence of an accomplice and requires corroboration."

If, Sir, I could be satisfied that by ordinary prosecutions we should be in a position to deal with the situation that may arise I should be in a very different position. I do not believe it.

I now proceed to the second part of my argument. I think I have said enough to show to the House that this is no mere chimera that I am creating regarding the situation in Bengal. It may be said and no doubt it will be said that this Act has been misapplied and misused. Let me quote what has been said by a Local Government on the point:

"The Act has been used to proclaim certain associations unlawful. This step was not taken a moment too soon. Intimidation, forcible seizure of lands, subversion of the Government by creation of courts, barbarous punishments inflicted upon those who failed to obey the orders of these courts, were all common."

Now, in a situation like that the ordinary law is not sufficient. For more than two years the Punjab Government took no action. It was not till October 1923 that action was taken. Now, Sir, if action had not been taken what would have been the result? If this law was not available, we would have had to have another like it. I shall not develop that point further. What I say is this; these repressive laws—I will not say repressive laws, because all laws are repressive—these laws which confer extraordinary powers on the Executive are often a halfway house which prevents outbreaks, leading to far more serious results. Let me put that point. It may be said and it will be said no doubt that action of this kind is not only open to criticism but in itself is apt to act as an irritant causing further trouble. Sir, that I cannot accept.

I come back to my original proposition that it is the duty of the Government to maintain law and order. If the ordinary law fails, then extraordinary expedients will have to be used. Now, I have tried to deal with this question perfectly frankly and I have told the House what is in my own mind. I have told them what is the situation in Bengal and I ask them to consider whether if they were responsible for the maintenance of law and order in India they would consent to the repeal of this Act. I doubt it, Sir. If the House should proceed to the step involved by the acceptance of my Honourable friend's Resolution, it will be taking on itself a very grave responsibility, and I hope that wiser counsels will prevail.

Mr. M. V. Abhyankar (Nagpur Division : Non-Muhammadan) : Sir, I stand to support by friend, Dr. Gour, although I do not think that such a measure and in such an Assembly as it is to-day requires any support for its passage. It is only for certain remarks or rather certain arguments that have been urged against it by the Honourable the Home Member that I desire to speak and therefore stand up to support my friend Dr. Gour.

In the first place, the very principle of the Act which my friend Dr. Gour seeks to repeal is obnoxious. It allows the Executive to take the place of the Judiciary and it allows the Executive to have a free hand in the matter. It has been told us several times and specially by the predecessor of the present Home Member that the Executive in every country requires some such special powers and he has always asked us to draw upon the analogy of such free countries as England and others. Now, what are the relations of the Executive with the people in this country ? In the first place, the Executive is not only irresponsible to the people but is often found to be contemptuous of them, and to arm an Executive of this kind with power so as to do away with the interference of the Judiciary is a thing which no popular House would stand. Then, Sir, there is another fact that must always be noted whenever any special powers are to be given to the Executive. The Executive of this country, not being a popular Executive or a responsible Executive, is always at war with the people. The people and the Executive are always fighting with each other, in fact trying to put down each other, and under these circumstances to arm one of the parties to that fight with special weapons to crush the other is a thing which no sense of justice would stand.

The Honourable the Home Member has cited examples of dacoities, of pistols, of cartridges, and of Red Bengal leaflets. I should like to know were they the only cases in which the Criminal Law Amendment Act was used ? Or even were such the only cases in which it was used ? No. It was not only used but it was misused and I may go further and say that it was abused in many other cases to which it had no application. I should like to know from this House if my worthy leader, the Honourable Pandit Motilal Nehru, belongs to a gang of dacoits against which the Act was meant to be used ? And yet we know that this Act has been used against him and he was sent to jail for six months under that Act. Now, I should like to know from this House if that is an example of the use of the Act or the abuse of that Act ? Man after man, and woman after woman, not to talk of the boys, have been sent to jail, nay have been crammed into jails until the jails could hold them no more, and that was the use to which this Act was put, and it has been seriously suggested that that was the legitimate

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purpose for which it was intended. I cannot believe that. For one moment I cannot think that any man, any sensible man, can believe that. You had this Act passed for some years and the Government did not use it. Why? Was it merely the passing of the Act that put a stop to all crime contemplated by it. Why was it that you brought out this weapon at a time when you desired to bring it out, not because the exigencies of the times or the anarchical crime in the country required it but because you wanted to crush a legitimate movement. You used it for your purposes of crushing the just and natural aspirations of the people of this country. At the time of the passing of the Act it was said that it was required for one purpose, but our woeful experience in this country has been that it was and is, always used for a different purpose for which it was never intended or for which no sensible man could ever dream it to have been intended. That is the way of the Government in this country.

Then, further, the Honourable the Home Member, has asked us to give him some other substitute if we want to repeal the Act. I would say to him: we cannot give you any substitute. A good thing has got to be replaced. But if we think this is a bad thing in itself and therefore we want to repeal it, we refuse to give you any substitute for it. You cannot say that a thing is bad and yet ask us to give you a similar substitute for it, when we require that it should be repealed on account of its badness.

Then, Sir, it has been suggested that one function of the Government is to maintain law and order. Yes, Sir, I admit one function of the Government is to maintain law and order. But what is this law and order, of which so much has been made and so much has been talked in and out of season? This law and order, if I may be permitted to use the phrase, is a lawless law and order. The Government, this House very well knows, have used all the laws and have used all their orders and regulations in a fashion which no self-respecting man, particularly no man in this country, who desires to achieve responsible government for himself and for his country, will think to be law and order. It has been anything and everything but law and order!

Then, it has been suggested that this law is wanted in order to prevent anarchy. I assume—I do not say I admit the House will remember—that there is anarchy in this country. Well, what are the causes of this anarchy? A good doctor will never proceed to the treatment of the case unless he has diagnosed the trouble and then if he wants to treat the patient rationally he will treat the cause and not the symptom. What then are the causes? It is for you to remove the causes of that anarchy. It is no use piling repressive laws one upon another. If there is anarchy in this country, I assure the Honourable the Home Member that anarchy shall not die by any of these repressive laws. I may tell him this in all seriousness, in all sincerity, in all friendship, that anarchy in this country shall not die because you go on piling and mounting one repressive law upon another. You must go to the causes and remove them. Why is there anarchy? We have such a nice Government, such a good Executive, such fine laws, such supreme powers of this benign Government, and why are there anarchical movements? There are certain reasons. The people want some little freedom. They want to go further. They want to see that they are masters in their own

country. And let me assure the Honourable the Home Member that, unless he sees that the people of his country are masters in their own home, this anarchy will not die. It is not likely to die. It is against human nature that it should die. We cannot pitch the laws of man against the laws of God. The divine laws are bound to supersede and they are bound to override the man-made laws.

It has been said that the Leader of the Swaraj Party in Bengal has accepted not only that there is anarchy but that there is a worse form of anarchy than the Government contemplate or think there is in the country. Well, there is a lesson to be taken from this statement of the leader of my party, and I should like the Honourable the Home Member to minutely look at it, to look at it dispassionately and carefully and to find out what is behind all that. Remove the causes and there will be no anarchy. No man likes anarchy. Man is peace-loving by nature. At least I am. I do not know about others. And unless he is forced, unless something within him, something great and powerful, forces him to get out of that nature, he does not get out of it. He wants peace, he wants harmony.

The only thing that I should like in the end to tell this House is this. The Honourable the Home Member has said that he always looks with suspicion upon measures like this which give extraordinary powers to Government. It is but natural for him to do so, because he has been born and bred in the traditions of a free country which have been denied to us. It is therefore necessary that this House should not only regard such powers with suspicion but do its utmost and see that such powers under no conditions are given, or at least under the present conditions of this country, are not given to the Executive, and if you do give such powers and if you do concede all the arguments that have been advanced by the Honourable the Home Member in support of them, then I say, to say the least about it, you should bid good-bye to the goal on which you have embarked of obtaining responsible government as quickly as possible.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Sir, I do not think I can usefully add anything to what I have already said in the last Delhi session for the repeal of these repressive laws, but I wish to add one thing more. The Honourable the Home Member was not there then, so I wish to inform him about it. He has cited the instance of Bengal to retain these measures on the Statute-book He has cited two or three cases. I ask him this, as he is a Bengal Civilian and he was in Bengal for several years. Were not such cases frequent even before these enactments were passed ? Then again, I invite his attention to what happened with respect to the Naraingarh train wrecking case. We know that political complexion, and political colour is always attempted to be given to cases of murder or dacoity whenever there is one, and the police officers thereby ingratiate themselves with their superiors or for the matter of that, with the Government. We know how cases are fabricated by police officers and the C. I. D. notably, and I think my Honourable friend the Home Member will admit that such false cases were large in number during the days of the agitation against the partition. I cite the instance of the Naraingarh train wrecking case in which several people were sent to the Andamans but were subsequently brought back because it was found that the evidence was false and concocted by the Police. So, I say that no data can be had from such stray murders here

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and there which have occurred at Sankaritolla or elsewhere. With respect to these I must say that if we could get the real evidence of these cases, and if we could know the real motives of these cases, I think we would be able to know the real nature of these cases. There are the overzealous police officers who want to make a case and to give these cases a political complexion and thereby get perjured evidence to support their case. With these words I beg to submit that if the Government really want to do away with anarchy in Bengal or in India, they ought to repeal measures like this.

Mr. H. E. Holme (United Provinces : Nominated Official) : Sir, it has been somewhat of a puzzle to me, ever since I had the honour of becoming a member of this Assembly, why some Honourable Members are practically always identifying the interests of the public with those of the criminal, or at any rate of the law-breaker. The principle of the maxim that " it is better that 100 guilty men should be acquitted than that one innocent man should be convicted is ridden absolutely to death while the complementary maxim *judex-damnatur, cum nocens absolvitur* (it is the Judge who is condemned when the guilty man is acquitted) is entirely lost sight of. It seems to me that this attitude of mind is part of an anti-Government complex due to a throw back of the sub-conscious to the bad old times, both in England and in India and in other countries as well, when the administration of justice was corrupt and much of the law was harsh and unfair, and when the only means of escaping from very detestable and shocking tyranny and despotism seemed to lie either in secret undermining of authority or open revolution. But the transfer of the same point of view to the present state of things in India, where we have a Government which, even though it may make mistakes, is always devoting its most strenuous efforts to what it considers to be the good of the country, and which indeed occasionally fills some of us with something like alarm lest in the concessions it makes to popular feeling it should prove to have gone too far for safety,—under such conditions we are surely doing harm and not good by attempting to deprive the Government of any weapon essential to its existence. Moreover, we do not wish that the future Indianised administration should be placed at a disadvantage by being presented with a weakened and ineffective form of government. We desire, on the contrary, that it should be given every chance by being provided with a framework of administration of the greatest possible strength and efficiency. It is time that we made up our minds whether we consider that the present Government of India is a well-meaning though you may choose to say defective institution which is capable of,—if you like, calling for—improvement by constitutional means, or whether the Government is an enemy which must be resisted by every possible method. If we hold the former opinion, we should hesitate to release those who are pledged to subvert all authority and order, while if we consider that the Government is our bitter enemy, we might at least come out into the open and say so ; let us admit that we are urging the repeal of the Criminal Law Amendment Act and the release of those imprisoned under it, not because we consider that they have been unjustly convicted or that they can be released without danger, but because we hope to secure the assistance of persons who will be powerful, if unscrupulous, auxiliaries in our campaign against the Government. But in such a case, we should not complain of or reproach the Government

because they do not accept or act on Bills and Resolutions expressly designed to hamper them in their activities, to interfere with their usefulness and to bring about their destruction. As regards the contention that the present is a specially opportune time for the repeal of Part II of the Criminal Law Amendment Act, surely the present activity of Bolshevik and revolutionary propaganda, as has been pointed out, is a clear indication pointing to an opposite conclusion. No one should wish to encourage individuals or associations :

" which encourage or aid persons to commit acts of violence or intimidation, or of which the members habitually commit such acts or which have for their object interference with the administration of the law, or with the maintenance of law and order, or which constitute a danger to the public peace."

It is, however, contended that the ordinary law is sufficient for such cases, but it has been clearly brought out that the ordinary law must act on legally admissible evidence and in accordance with a standard of proof which it is impossible to attain when the evidence which would otherwise have been available is prevented from being produced by secrecy or intimidation. I see that the amendment which is down on the paper appears to recommend the release not only of prisoners convicted under Part II of the Criminal Law Amendment Act, but also of those dacoits, murderers and other criminals who have been convicted under Part I.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : May I tell my Honourable Friend that that is not my object ? My object is to confine it to Part II. I am sorry that that was not made clear in the amendment.

Mr. H. E. Holme : That appears to me to be the effect of the amendment even if it was not the object of it. Surely this is not the time to let loose all these dangerous enemies of society upon the public. Sir, I oppose the motion.

Sardar Bahadur Captain Hira Singh (Punjab : Nominated Non-Official) : (There were loud cheers when the Honourable Member rose) : I thank you all for the good welcome you have given me to-day. I beg to oppose this motion, because the Act against which it is directed has been a blessing to a large body of law-abiding people, particularly to my province of the Punjab. The ordinary law failed to give them adequate protection for their property and so this was introduced.

Now, Sir, the position in the Punjab is very different to the position in the province from which the Honourable Mover comes, and perhaps in other provinces as well, and I think that if my Honourable friend, Dr. Gour was living in the part of the Punjab where I come from and had consulted the people of that part, he would not have brought in this motion. And it is different also in the large cities, even in my own province, where political issues perhaps overlook the realities of life as the scattered agricultural population knows them. The Punjab, as every one knows, is the home of the fighting classes who are just entering into the political life. (*A Voice* : " Fighting !") Because they have been busy in fighting, the people are quick to anger and violent in giving way to anger. Violent crimes, such as organising unlawful bodies and associations, leading to all sorts of crime like dacoities, murders, cattle lifting, etc., are as often as not due merely to petty village jealousies and petty litigation. But, when Sir, to these ordinary circumstances you have added a semi-political or religious feeling amongst certain classes in the

[Sardar Bahadur Captain Hira Singh.]

community, the resentment of the parties concerned knows no bounds and they do not hesitate for a minute to murder any one whom they suspect of interfering with their plans or standing in their way or for the purpose of taking avenge. (*A Voice* :" Really ?") You can see yourself very well because you come from that part of the country where the ordinary courts cannot suppress crimes of a political nature.

Pandit Shamlal Nehru (Meerut Division : Non-Muhammadan Rural) : They have not suspected you yet ?

Sardar Bahadur Captain Hira Singh : And that is what the position in the Punjab has been for some years past. Sir, whatever little protection the people have enjoyed is due very largely to the effective application of the law which it is now sought to repeal. I can quote the instance of Jullundur and Hoshiarpur to show how the people were terrorised for several months there and their lives and property were in great danger and it was absolutely unsafe to live there.

Sir, my Honourable friend Dr. Gour is interested only in the political aspect of this matter.

Dr. H. S. Gour : In the legal aspect.

Sardar Bahadur Captain Hira Singh : It is legal for a man like him, but political for one like me. To him it is a matter of great shame (I am not speaking personally) that his countrymen should be subjected to special laws of this kind. He has great sympathy with these poor fellows who, desiring to attain their object even by murdering their neighbours, are prevented from doing so. What he overlooks, Sir, is that by the application of this law many thousands of his countrymen are permitted to live and carry on their peaceful pursuits. Is he prepared to take the responsibility for their lives and property if this law is removed ? Of course, he will say, " Yes," and then when my people begin again to be harassed as they have been in the past, he will have no difficulty in showing that the Government are to blame. Of course, Dr. Gour will be somewhere in Nagpur then.

I am perhaps handicapped, Sir, by not being able to see things except as a plain man and a plain soldier. And if I had the same anxiety as my Honourable friend to remove these blots as he thinks from the Statute-book, it seems to me that the best thing I could do would be to address myself to the people who give rise to these laws and tell them not to have the law applied to themselves by the simple method of not going about and causing death and arson. Of course, I am certain that they would listen neither to me, nor to my Honourable friend Pandit Shamlal Nehru, nor to the Mover. But in that case it is surely the duty of the Government to protect the people who naturally want to continue to live " *khuda-ke-waste hamari jan bacha-o.*" That will be the feeling of the people at that time, and I cannot understand how any man should want to remove legislation which protects his own countrymen from violence and lawlessness. When my countrymen ask us to defend India what are we going to ask them ? To give us the weapons of the modern days—that is what I will ask for, and I will not ask for fifty year old muskets to go and fight on the frontier. I have no sympathy with murderers and dacoits. Perhaps my friend also has none. But then he appears to have none also with thousands of law abiding people because he wants to subject them

again to the zeal of very violent people. And that is what the repeal of this law would mean. It means that thousands of people would go in fear of their lives and property and if Dr. Gour would like a proof of that I would ask him to come and settle down with us in the Punjab when he would soon realise that life is not quite so secure as it is in the regions about Nagpur. This weapon is very little used in the Punjab and when it is used it is very necessary and I must say that it is very carefully administered. Are we to have no regard or sympathy for poor citizens like Lala Hans Raj ? Are we to sacrifice the people at large in order not to distress criminals ? There can be only one answer to that question. We must enforce respect for law and respect for life and property even at the expense of enacting special legislation and we must maintain this legislation so long as the criminals against whom it is intended persist in their criminal activities. If they want to, they can easily reform themselves and render the law powerless. No one would be more happy than the Punjabi if the Criminal Law Amendment Act is repealed but I am afraid not yet. Otherwise my province which is a leading province in wealth and possesses a whole population of zemindars will turn into a first class province of lawlessness and disorder. This will put the law-abiding people of my own province at any rate in the most difficult and delicate position. With these remarks I oppose the motion of Dr. Gour.

Pandit Madan Mohan Malaviya : Sir, I rise to offer my support to the motion that the Criminal Law Amendment Act of 1908 be repealed. The Honourable the Home Member has told us all the reasons he could urge against the motion. He has told us that the welfare of the people is the supreme law. I do not think anybody will take exception to that. He has also told us that this particular law was introduced in 1908 because of the conditions which then existed in Bengal. We are not concerned with those conditions now. He has reminded us that the last Assembly turned down a proposal which sought to recommend the repeal of this very Act in 1923, and he said that that meant that the Assembly affirmed the necessity of keeping this law alive at the time they did so. Lastly the main argument which he advanced for keeping up this law, for continuing this law on the Statute-book was the incidents which took place in Bengal during the last 12 months. I am not aware that this Criminal Law Amendment Act, Part II, has been used against any associations in Bengal during the last 12 months. I asked my Honourable friend for information on this point and the Honourable the Home Member has not given any information that it has been so used. It comes to this then, that there have been a certain number of dacoities in Bengal during the last 12 months. Does that give any justification for continuing this particular law on the Statute-book ? Have those dacoities been dealt with under the ordinary law ? My Honourable friend has not told us that the ordinary law was not applied in these cases. He has not told us that this particular law was put into use in order to prevent the formation of dangerous associations or for the purposes of breaking them. I take it that dacoities have taken place in Bengal not only during the last 12 months but they have taken place on other occasions also. Occasionally dacoities do take place in different parts of the country but the occurrence of these dacoities does not afford any justification for continuing this law on the Statute-book. The position then is this, that except in Bengal, except for the incidents relating to Bengal which the Honourable the Home Member has mentioned, he has not told us of any disturbed condition

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in any other part of the country which would justify his opposition to the motion of Dr. Gour. On the contrary he remembers and the House remembers, that the Act in question was passed in 1908 under the special conditions which then prevailed. That was the period which followed the partition of Bengal. There was a strong agitation going on against the partition of Bengal with the desire of having the partition undone. The Act was passed in 1908. His Majesty the King Emperor honoured India with a visit in 1911 and he was pleased to undo the partition. The two Bengals were reunited. Anarchical and revolutionary crime very much disappeared, if it did not entirely disappear in Bengal. The years that followed did not witness any such organised and dangerous associations as the Act of 1908 was contemplated to deal with. We had peaceful times during the many years of the war. It is a remarkable fact that during the many years of the war there was very little crime, anarchical or revolutionary, in this country. That was a circumstance which was noted by Government and by non-official public men. Three years after the close of the war, when His Royal Highness the Prince of Wales visited India, in November 1921, the Government of Bengal, the Government of the United Provinces, the Government of Bihar and the Government of the Punjab extended Part II of the Act of 1908 to their respective provinces. We know the unfortunate occurrence that took place in Bombay on the arrival of His Royal Highness the Prince of Wales. These occurrences did not take place in Bengal, but while the Bombay Government kept its head cool even after what had occurred after the arrival of the Prince, the Bengal Government went into a panic and extended the Act in question to Bengal. It declared Congress Volunteers an unlawful association. As a protest Mr. C. R. Das and about a thousand other gentlemen immediately declared themselves as Congress Volunteers.....

The Honourable Sir Alexander Muddiman : I am very unwilling to interrupt my Honourable friend. This Act applies to Bengal *proprio vigore.* There is no question of extending it.

Pandit Madan Mohan Malaviya : I beg your pardon.

The Honourable Sir Alexander Muddiman : The Honourable Member said that the Bengal Government extended the Act. The Act applies to Bengal *proprio vigore.*

Pandit Motilal Nehru (Cities of the United Provinces : Non-Muhammadan Urban) : Is it not the fact that a notification of the Government was issued saying that it applies to a particular association ?

The Honourable Sir Alexander Muddiman : That is certainly the case. The Honourable Pandit said that the Act was extended to Bengal.

Pandit Madan Mohan Malaviya : I fear the Honourable the Home Member has not been correctly informed.

My recollection is that there was a notification published by the Government of Bengal on the 18th of November 1921, extending.....

Mr. M. A. Jinnah (Bombay City : Muhammadan Urban) : Not extending declaring associations unlawful.

The Honourable Sir Alexander Muddiman : Yes, that is correct.

Pandit Madan Mohan Malaviya : Thank you. Declaring the Congress Volunteers an unlawful association. Now, Sir, from 1908 to 1921 covered a long distance of time, and it was most regrettable, most deplorable, that an Act which was meant to deal with the dacoits and anarchists of 1908 was applied to such honourable men as Mr. C. R. Das and a thousand other workers of the Congress who joined with him in making a protest against the declaration that Congress Volunteers were an unlawful association. At the same time the Act was applied to Congress Volunteers and similar associations in other provinces. His Royal Highness the Prince of Wales left India after four months sojourn in India, and it was hoped that the notifications against Congress Volunteers would then be withdrawn. They were not so withdrawn. We find the Government unwilling even at this distance of time to do without the Act we find the Government of India and the Local Governments still desire to keep up this Act on the Statute-book. Now what is the justification for it ? I say there is none. The Honourable the Home Member has not referred to the Province where this Act is being misapplied in a shameful manner to-day. I understand nearly 500 persons who are not dacoits, who are not anarchists, are undergoing imprisonment in the Punjab at this moment, under the provisions of Part II of this Act of 1908. They are men who were recognised by the Government only a short time—a year or so ago—as being representative of a large section of Sikh religious opinion. They were members and office-bearers of the Shiromani Gurdwara Prabhandak Committee. By June 1923 the Government of the Punjab had practically settled their differences with the Sikhs of the Gurdwara Prabhandak Committee. They not only recognised them as representatives of Sikh religious opinion, but they also released a large number of the Gurdwara Prabhandak Committee prisoners in appreciation of the help given by that Committee at the time of the unfortunate disturbances at Amritsar between Hindus and Muhammadans. Yet a few months after—in October 1923—the Government of the Punjab all of a sudden issued an order declaring the members of the Gurdwara Prabhandak Committee an unlawful association. There is no other charge formulated against the men I am referring to. The mere fact that they are members of that Committee has been sufficient to prosecute them, and I understand that about 500 of such men are undergoing imprisonment to-day. Nobody has said that even one of these members of the Gurdwara Prabhandak Committee is a dangerous person in any sense of the word ; these men I am speaking of have been convicted and imprisoned merely because the registered association to which they belonged had been declared by Government to be an unlawful association under the provisions of this Act. I submit, Sir, that when an Act which was meant for anarchists and revolutionaries is being applied to punish and to break the spirit of men who have committed no crime, it is high time that the Act was repealed, that this weapon was taken away from the hands of the Government, because the Government have shown that they have not carefully, honourably, honestly used this weapon. In the circumstances the question for the House to consider is whether there will be any injury done to the cause of law and order if this weapon is removed from the Statute-book. The Honourable the Home Member has not shown that any such injury will be done. The ordinary law of the land is sufficient to cope with cases of dacoity,

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of violence, of murder and of conspiracy against the King. Offenders can be tried, they have been tried, in different parts of the country under that law, and it has not been shown that there has been a failure of justice because of the insufficiency of those laws. This being so, Sir, it is obvious that justice demands, the principles of good government demand, that this extraordinary law should be removed from the Statute-book. The Honourable the Home Member has urged that at a juncture like this we should not ask for this law to be repealed. The juncture to which he referred was the situation which exists in Bengal. I have already said enough about that situation and in the absence of any evidence that the state of affairs in any part of the country requires the continuance of this Act on the Statute-book, it is fair and reasonable and just that it should be removed. My Honourable friend said that these laws were half way houses to prevent outrages. They have not been proved to be so. On the contrary during the last three years we have seen this particular Act applied to persons to whom it should never have been applied. My Honourable friend Mr. Abhayankar has already referred to the regrettable fact that the Honourable Pandit Motilal Nehru and his compatriots in the United Provinces were also hauled up under this evil enactment. When you find that men who were leading the country in Bengal, the United Provinces and the country generally, when you find that such men have been made the victims of this enactment, I submit that that fact alone is sufficient to justify the demand that such an enactment should be removed from the Statute-book. I very respectfully ask the Honourable the Home Member and every other Member who supports the continuance of this law on the Statute-book, to show in what cases of associations of dangerous men this law has been applied during the last three years, to analyse those cases and to say whether the maintenance of law and order would have suffered in the least degree if this law had not existed on the Statute-book. This being so, I submit, Sir, that this law ought to be repealed. I will not deal with the amendment, at this moment. Unfortunately I did not put in the words "Part II" in the notice of the amendment which I gave some months ago, my object was clearly that all prisoners undergoing imprisonment under Part II of the Act should be released, but I will not complicate the question at this moment by discussing that amendment. Two days after a Resolution is coming before this Assembly dealing with the question of the release of political prisoners. I will reserve my remarks on the subject of the release of prisoners for that occasion. For the present I will conclude by saying that the principles of good government, fairness to the people, justice to the people, demand that this enactment which was never meant to be applied to ordinary times and which has been misapplied, as I have said, in a shameful manner in many parts of the country, should be removed from the Statute-book without a moment's further delay. I hope the Government will yet reconsider their view, and that they will respond to the general wish in the country, which is not affected by the remarks of Captain Hira Singh who, I regret to say, has got into the habit of reading notes—(*An Honourable Member*: "which are supplied by someone else") I will not say which are supplied by someone else—I will leave it there—of reading notes on subjects which come up for discussion, for the special edification of some Members, I am afraid, of this House. The Assembly can take his remarks at their proper value; but the country, Sir, is

unanimous in desiring the repeal of this enactment and I hope the Government will honourably accept the unanimous verdict of the country and repeal it without any further delay.

Sir Chimanlal Setalvad (Bombay : Nominated Non-Official) : I wish, Sir, to say a few words in this debate. I wish the House to realise what the nature of the legislation is which is asked to be repealed. Part II of the Criminal Law Amendment Act, 1908, defines an unlawful association as follows :

> "Unlawful association means an association :
>
> (*a*) which encourages or aids persons to commit acts of violence or intimidation or of which the members habitually commit such acts,
>
> (*b*) which has been declared to be unlawful by the Local Government under the powers hereby conferred."

So that an association becomes according to this definition an unlawful association, first, if it is shown to encourage or aid persons to commit acts of violence or intimidation or of which the members habitually commit such act or secondly, it may become an unlawful association if the Local Government declare it to be unlawful. Then, if an association is unlawful by reason of its falling within description (*a*) or by reason of its having been declared under (*b*) to be unlawful by Government, then, under section 17 any person taking part in the meetings of such association or contributing or receiving or soliciting contribution is liable to be punished. The difficulty, therefore, Sir, that arises is this, that the Government have the power to declare any association to be unlawful and section 16 says that the Local Government may make such declaration if it is of opinion that any association interferes or has for its object interference with the administration of the law or with the maintenance of law and order or that it constitutes a danger to the public peace. Then they can make a declaration. But the final word with regard to the declaration rests with Government itself. Government may be acting on such information as may be available or be placed before them by their officers ; and still one can well conceive of cases in which the association or person affected may really not be unlawful in the sense intended by the Act, and there is no remedy, so far as the declaration of the Government is concerned. The association affected can not get the matter tested at all in any court of law and that, I submit, Sir, is a grave defect in the Act as it stands at present. I quite recognise that it is necessary to clothe the Executive Government with an emergency power to deal with a situation contemplated by the Act ; but their word that any association is unlawful should not be final. We know by experience that as a matter of fact various associations, volunteers and others, were declared to be unlawful by Government and various people were prosecuted by reason of their having belonged to such associations and were sent to jail in very large numbers in Bengal and the United Provinces. Therefore, what one feels is this, that there ought to be some safeguard in this Act which will enable the association or person affected to have the view of Government about its being unlawful tested by some judicial authority. I quite agree that the initial step may be taken by Government on their own initiative on the information placed before them in an emergency ; but the party affected should have the right of appealing to a court of law and having the declaration of the Government tested and it should be open to the association concerned to be able to show to the court by evidence that it is not of the character contemplated by the Act, in which case the court to

[Sir Chimanlal Setalvad.]

whom the jurisdiction is given over the matter will make a declaration that the declaration of Government is not valid. If Government are prepared to accept this suggestion that I have ventured to put forward and if they tell us that at a later stage they will bring forward legislation to amend the Act as it stands in order to introduce some such safeguard as I have indicated, then I think there will be no harm in leaving this emergency power in the hands of the Government. But I do most earnestly say, Sir, that some such safeguard is absolutely necessary. As the Act stands at present, the mere declaration of Government is final and nobody can question it. But as I say we can conceive of cases in which Government may have been mistaken ; the information placed before them may not have been correct and injustice may be done. Therefore I do urge that Government should at an early date bring forward some such legislation introducing certain safeguards in the manner I have indicated in this Act. If that is done, I for one see no harm in leaving the Act on the Statute-book with that safeguard introduced therein.

Pandit Motilal Nehru : Sir, I do not intend to make a speech. I take part in this debate simply with the object of uttering a warning—a two-fold warning, a warning to the House and a warning to the Government. My Honourable friend, Sir Chimanlal Setalvad, has just concluded a very able criticism of the Act based upon the language and the lack of safeguards. Let me clear the ground at the very outset by saying that I strongly dissent with the milk and water substitute that he has suggested to the Government. Even if the Government are prepared to accept his suggestion, I hope the House will not agree to it. Now, the warning that I wish to give to the House is this, be not led away by the plausible argument which has been addressed to you by my Honourable friend, the Home Member. What does that argument come to ? The wonder is that it has been advanced seriously in a House composed as this is. He says that the ordinary law is not sufficient. Now, please analyse this ; what does it mean ? What is ordinary law and what is extraordinary law ? What is a special law ? What is an emergency law ? In order to answer any of these descriptions they must in the first instance be laws. You cannot have something which has no claim to be recognised as law to be called an extraordinary or a special law to meet an emergency. It comes to this. When a confession of this kind is made by the Government, namely, that the ordinary law is not sufficient to meet the exigencies of the case, it really means that we have failed in the art of government, that we cannot govern you any longer and therefore we must—what ? administer the law strictly ? No. We must be permitted to break the law in the name of the law. Here are anarchists. We are sorry to confess that we cannot catch them—we cannot stop them—we cannot annihilate them. What are we to do ? We do not know what and how to do it under the law. The magnificent system of law and jurisprudence which has been handed down in England from generation to generation and which is the just pride of the England of to-day, is insufficient for us to meet the requirements of the case. What then is to be done ? Obviously this, against one set of law-breakers you must by giving us authority to break the law create a set of licensed law-breakers. That is what it comes to. What is meant by the insufficiency of the ordinary law ? Is there any crime, any conceivable thing that law, if it can claim to be law, cannot and does not anticipate ? And what does this insufficiency of the

ordinary law consist in ? It consists in the inability to find evidence to convince any honest man that a particular man is guilty. That is the insufficiency. Well, I say if you are unable to deal with a case under the law, under the magnificent system of law which prevails in England and which you have imported into this country, you must at once confess that you have no business to be in this country and give up all your pretensions to rule us as a subject race.

Then, the Honourable the Home Member says " Oh give us a substitute for the ordinary law." Now, the ordinary law has sometimes failed in other countries too. What is the substitute resorted to ? I can understand that, if things go from bad to worse, the ordinary law is suspended and you institute martial law or something of that nature for a time. But I cannot understand the ordinary law to go on side by side with the extraordinary procedure subversive of all laws that was laid down in this Act. And then, please note what the argument comes to. My learned friend will excuse me if I say that all arguments so far advanced in support of this Part of the Act are mere pretences, mere camouflage, to keep it in force not for the purpose alleged but to meet quite a different set of circumstances which has arisen in the past and may arise in the future ; not the conditions which really obtain in Bengal but those which may arise anywhere in India. Why do I say that ? Will anyone in this House tell me how is Part II of this Act, which still is the only Part in force to be applied against any conspiracy, any anarchical movement ? What is to be done under it to deal with such a movement ? The Part of the Act which really did apply to these movements was Part I which has already been repealed. Part II deals with unlawful associations, whether you know their names or not. And what do you do ? The Government issue a notification that such and such an association is an unlawful association. Is it possible to conceive that any anarchical association, any secret society, will ever be known to the Government in that sense and the Government will issue a notification against that society ? Has it ever been done ? Can you conceive, can any practical man conceive, that a secret society will act in such a manner that the Government will be able to issue a notification ? And, if the Government are not able to issue a notification what happens ? Why anarchical crime is committed. And when it is once committed, you have to catch the offender just as you would any other offender, whether this Act is applicable or is not applicable, whether it is in force or is not in force. The whole argument of my learned friend is based upon the list of outrages which have recently happened in Bengal. I put it to him and to every Member of this House to tell me, how any of those outrages could have been stopped by the application of Part II. If a man is caught red-handed or if he is subsequently traced and put on his trial and if Part I were in force he could have been dealt with under that part, but I say again that Part II has absolutely no reference to a case of the kind that has been mentioned. Well, then, what is the substitute for this law which should be adopted in a case like this ? What is first of all the evil which has to be removed ? The substitute for the Act will, of course, be the remedy for that evil. The evil is this alien rule—this government by force—this government against the will of the people whom you are governing, and the one remedy for it is to let the people govern themselves. There is no other remedy. You may try your best. You may invent and manufacture all sorts of engines of repression, I can assure you that they will be of no avail and they will

[Pandit Motilal Nehru.]

recoil upon you in course of time. Has any nation in the world yet succeeded in governing a people as you are trying to do ?

Then, I wish to say a word about the interview of Mr. Das which my Honourable friend has given to the House as a confession of the Swaraj Party. Now, Sir, the Swaraj Party stands upon its own legs. It treats the charges of corruption, such as those that were mentioned at question time this morning with the contempt they deserve. It challenges public inquiries into every act and conduct of theirs. They are people who act above-board. No C. I. D., no special laws are necessary. You know when this very enactment was used against members of the Congress Party, what did they do ? They went to the Court ; they broke the law, and they said they had broken it and there was an end of the matter. Well, Mr. Das says there is a more serious anarchical movement than the authorities realise. Now, Sir, I do not know upon what materials Mr. Das made that statement, but I wholly endorse it, every word of it, and not only that, but I say that, if you do not take care, you will one fine morning wake up to find the whole country full of a honeycomb of secret conspiracies and you will not know how to deal with it. Why do I say so ? Not because I am in concert with any of these conspirators. If I were I would admit it, but in fact I am not and my own inclinations do not take me that way. But I say as a reasonable man, who can put two and two together, that I know what ails my countrymen. I know how the wave of anarchy arose, I have watched the ebb and flow of the wave. You may pride yourself in the belief that it was your repressive laws that put down anarchy in Bengal for a time. Nothing can be farther from the truth. What actually happened was that Gandhi came in with his non-violent non-co-operation and put an effectual stop to all these anarchical crimes for the time being. It is you who crippled him. It is you who deprived him of the opportunities he possessed, and you must take the consequence. These conspiracies must revive in the ordinary course of things, and you cannot expect otherwise. Now, as I have already said—and I need not for that purpose read the provisions of the Act, it has nothing whatever to do with the activities of the anarchists, because they work underground. You cannot catch them. They have no tangible associations. They have no name for their associations except perhaps Red Bengal. By all means declare Red Bengal as an unlawful association. How many people will you catch ? Who will come forward and say " I am a member of the Red Bengal society ". Red Bengal will commit its crimes. It will work underground. Only when a crime is committed you will be able to identify a man as a member of the Red Bengal society or association, whatever you may call it. But Part II will never come into play. It is only Part I that could come into play. The real use of the Act has been—as my learned friends who have spoken before me have already mentioned—against people of a more dangerous character than even anarchists. And who are they ? People like my friend Mr. C. R. Das and myself. Why are we so dangerous ? Because we have made it our business to awaken the people to a knowledge of their real rights, to inform them how they are misgoverned and to demand that they should be governed by themselves. That is the danger of it.

I do not wish to detain the House any further. I will only say that this Act is a most outrageous law. It is a blot upon that magnificent system I have referred to above. It is a blot upon the English nation

and upon British character. I will say one thing before I sit down and it is this. If this law continues in force and if this law is applied in my own provinces or if a notification is issued in provinces to which this law applies, I shall take it to be my highest duty to break the law myself and to call upon others to break it.

The Honourable Mr. A. C. Chatterjee (Industries Member) : Sir, as I listened to the speech of my Honourable friend opposite (Pandit Motilal Nehru), I could not help regretting that for some years at any rate the courts had lost one of the best advocates in this country, an advocate who feels that although he has not really a very good case, he must make a good case and he does make a good case at least for the time being. But, Sir, I fear that my Honourable friend has on this occasion proved a little too much. I gather from his speech that he thinks that this particular Act, this particular law which we are now discussing, can be of no value whatever to the Executive in its present form. (*A Voice* : "Great use.") I think he said it was of no use at all against anarchical activities. The only use that can be made for the present law was against persons like himself and like Mr. Das. Well, I can assure my Honourable friend that in his present frame of mind there is not the least chance of this Act being used against him. (*Mr. Amar Nath Dutt* : "It is no compliment to him.") I think times have changed since 1921 when my Honourable friend did break the Act. I am perfectly certain, in spite of the assurance that he conveyed to the House a little while ago, that he will not break this Act again. So, I should like all my Honourable friends in this House to disabuse themselves of the fear that this Act was again going to be used against my Honourable friend opposite. (*A Voice* : "What about Regulation III ?") One good service my friend has done is that he has demolished the arguments that were used by my Honourable friend, Pandit Madan Mohan Malaviya. Pandit Madan Mohan Malaviya seemed to doubt the statements that had been made by the Honourable the Home Member with regard to anarchical movements in Bengal and elsewhere.

Pandit Madan Mohan Malaviya : I did not doubt, Sir, the facts stated by the Honourable the Home Member. I challenged the conclusions which he drew from those facts for keeping this Act on the Statute-book.

The Honourable Mr. A. C. Chatterjee : One of the conclusions of the Honourable the Home Member was that there was anarchical conspiracy in Bengal and I understood the Honourable Pandit, who is also one of my oldest friends in this Assembly, to say that he did not believe that statement.

Pandit Madan Mohan Malaviya : The Honourable Member is utterly mistaken. I did not say that about the non-existence of conspiracy. I simply said that the Honourable the Home Member had not shown how those facts justified the keeping up of a special enactment.

The Honourable Mr. A. C. Chatterjee : I am very glad, Sir, that the Honourable Pandit has explained his position. I am very glad that he has admitted that there is anarchical conspiracy in Bengal, and I should like all my Honourable friends opposite to search their hearts and to say whether it is not likely that there may be a revival of similar conspiracies in provinces other than Bengal.

Pandit Motilal Nehru : There is bound to be.

The Honourable Mr. A. C. Chatterjee : Exactly ; that is what my Honourable friend Pandit Motilal Nehru has said, and I should like every

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Member in this House to ponder over that fact and to consider whether, when Government say that an enactment like this is necessary in order to combat such conspiracies, they should accept the motion of the Honourable Dr. Gour and proceed to the consideration of this Bill.

Sir, Pandit Motilal Nehru made another extraordinary statement, a statement which came to me with a great deal of shock coming as it did from a learned lawyer like himself. He said that there were no special laws in any other country.

Pandit Motilal Nehru : Who said that ?

The Honourable Mr. A. C. Chatterjee : I certainly understood my Honourable friend to say that.

Pandit Motilal Nehru : I said there are special laws, emergency laws and all sorts of laws in every country. But they are laws. They do not violate all notions on which laws are founded by being called special or being qualified by any other word. This particular law is no law at all. That is what I said.

The Honourable Mr. A. C. Chatterjee : I really do not know how a lawyer can say that a particular law is no law at all. If a law is passed by the constituted authority, I take it it is law. The position is exactly the same in England, only the constitution of the authorities who pass the law may be different. My Honourable friend said that no such special laws or emergency laws were ever passed in England. He paid a very high compliment to the English people and to their traditions. I wonder if he had never heard of the suspension of the Habeas Corpus Act and of the various other laws that have been passed in the United Kingdom from time to time to deal with special emergencies or to deal with special forms of crime.

Pandit Motilal Nehru : I admit that. I can understand the suspension of the law for the time being, but I cannot understand the ordinary law to go on with your special law superimposed. You have got an extraordinary special law running on for years.

The Honourable Mr. A. C. Chatterjee : What about the coercion Acts in England or in the United Kingdom ? I really am surprised that my Honourable friend, who is always so straightforward in his arguments, should simply overlook that fact.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : May I know, Sir, on a point of information, whether any coercive Act has been passed in England for being applied to the people of England except during the time of the war when we had the Dora—whether any Act suspending the Habeas Corpus Act has been passed since the French Revolution days ?

The Honourable Mr. A. C. Chatterjee : The Honourable Member will have an ample opportunity of asking any questions after I have finished. I am not a lawyer and it is not for me to give him an answer, but certainly I was surprised to hear extraordinary statements made by a lawyer. Then, Sir, coming back to the arguments of my Honourable friend, Pandit Madan Mohan Malaviya, I noted that he said that there were no revolutionary activities in Bengal at all during the War, and therefore this Act was never applied and therefore it was not necessary. I do not know if my Honourable friend has for the moment forgotten the existence during the war of the Defence of India Act. The Defence of India Act gave for the time being the most extraordinary powers to Government and I think my Honourable friend must have forgotten that

both Lord Carmichael and Lord Ronaldshay stated more than once that it was because the Government of Bengal were enabled to apply the extraordinary provisions of the Defence of India Act that the revolutionary activities in Bengal had for the time being been stopped. I do not agree at all with my Honourable friend opposite that it was only the cult of Mahatma Gandhi—for whom I have the greatest respect—that it was merely the cult of Mahatma Gandhi which stopped the revolutionary activities in Bengal. They had been stopped at least for the time being during the war when Mahatma Gandhi's cult was not in existence, and if Mahatma Gandhi's cult was responsible or was instrumental in stopping revolutionary activities in Bengal, why has it failed now ? Mahatma Gandhi is out of jail, and why cannot he exercise his potent influence over again ? If he cannot exercise his influence I expect my Honourable friends opposite are responsible for that and not Government. Sir, Pandit Madan Mohan Malaviya also referred to the application of this Act in recent months in the Punjab. He characterised the members of the Parbhandak Committee as so many gentlemen whose spirit had been broken and crushed by this most repressive measure.

Pandit Madan Mohan Malaviya : I did not say that their spirit had been broken or crushed. It will never be broken or crushed.

The Honourable Mr. A. C. Chatterjee : I am very glad that the Honourable Member thinks that their spirit has not been broken or crushed. Then what harm has this Act done ?

Pandit Madan Mohan Malaviya : If the Honourable Mr. Chatterjee does not know it, no amount of expression of my opinion will convince him. I objected, because the Government had not the courage to fight them honourably in the open field.

The Honourable Mr. A. C. Chatterjee : Is it not fighting in the open field to declare their association unlawful under the law ? Any way, I defy my Honourable friend to show that everything is well in the Punjab. He himself has tried times without number to restore peace in the Punjab. I acknowledge his services, but he must admit that the efforts of himself and his friends have been in vain and it is for the Government which is responsible for law and order in the Punjab to apply such measures as they consider necessary to maintain law and order. Now, my Honourable friend, the Home Member started by saying that all his training had been towards looking upon laws of this kind with suspicion. I expect my Honourable friend was referring to his legal and judicial training. Sir, I was a Judge only for a few months. I expect I was a very bad Judge because I was at once transferred back again to the Executive. Anyhow, Sir, I wish as an officer,—as a servant of the Indian Government and as a servant of the Indian public who has spent most of his time in discharging executive functions,—I wish to state on behalf of executive officers that they also look upon such laws with very great suspicion and very great diffidence. They would much rather use the ordinary provisions of the law, but, Sir, they have a very much more sacred duty to perform—a duty which they often perform amidst great danger and in the midst of very great difficulties, and that duty is the maintenance of the King's peace, and for that reason they have to use any laws which have been provided for them by the constituted authorities. I hope that when Members of this House proceed to vote on this measure they will think of all these officers, and I would remind them that most of these officers are their own countrymen. I wish Members of this House to think of these Indian officers all over India trying to carry out the law and trying

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to maintain peace and order in circumstances which are extremely difficult and sometimes extremely dangerous to themselves. I wish Members of this House to think of these Indian officers from the Commissioner down to the police constable and the Tahsil *chaprassi*, and in their interests I would ask Honourable Members of this House not to vote for Dr. Gour's motion.

Mr. M. A. Jinnah : I regret to say that even after the eloquent speech of my Honourable friend, Mr. Chatterjee, I am not convinced, and therefore I will not only vote for but wish to lend my entire support to the motion of Dr. Gour. Sir, I am sure that the Honourable Mr. Chatterjee would not have made the speech or advanced the arguments which he made if he had been a lawyer. It is because of his associations with the Executive that what little law he learnt he has forgotten. I ask Mr. Chatterjee, was he really serious in the name of maintaining the King's peace,—was he really serious in suggesting to this House that because there was a suspension of the Habeas Corpus in England, because there was a Defence of India Act passed in India during the war, therefore, to-day conditions prevail in India that justify the retention of the Statute ? This Statute was passed in 1908 and I know the circumstances under which it was passed. I know that it was due to he partition of Bengal when the Honourable Member's province was aflame, and in order to pacify public opinion in this country we know that soon after this Act was passed by the then Imperial Legislative Council we got the Minto-Morley reforms. The Minto-Morley reforms followed this, but Government had already taken the instrument in their hands before the Minto-Morley reforms came into existence. Ever since then, Sir, what has happened ? Owing to the introduction of the Minto-Morley reforms the country at large changed its attitude. And I am sure that the Honourable Members across the Treasury Benches there who know anything about India will bear me out that the bombs that appeared in 1906, 1907 and 1908, disappeared and disappeared for a considerable time. Then came the war in 1914. The Minto-Morley reforms worked from 1909-10 and in 1914 came the war. What was the position ? Did you not have the entire bulk of the population of India supporting you ? Did you not pass the Defence of India Act with the unanimous consent almost of the non-official Members in the Imperial Council ? What did you do ? You wanted to present us after the war with the Rowlatt Bill and you want to retain this now. Now, Sir, I for one have no hesitation in saying that I believe and I believe firmly that it is the primary function of every Government to maintain law and order. We do not deny that. That is your function, that is your business. But the question that this House has got to ask itself is this. How is that function to maintain law and order to be performed ? Is it to be performed against the will of the people ? Is it to be performed in spite of the will of the people ? Is it to be performed by not responding to the public opinion and by retaining a most reactionary and oppressive measure on the Statute-book. Is that your function of Government ? Are not the people entitled to say to you that we are here as the representatives of the people and would never give you this power if you had come to us to-day ? Why, because you are the cause of the trouble, you are the root cause of the trouble, you are the primary cause of the trouble and you talk of the primary duty of

maintaining law and order. I maintain Sir, that if the Government were really responsive to public opinion, all the revolutionary organisations and anarchical organisations that you are now talking of and which you want to arrest and to destroy by means of this little Statute will disappear. On the other hand you may have this little Statute and you can have many more Statutes and if you do not respond to the wishes of the people, if you do not respond to the opinion of the people, in spite of any number of Statutes you will not destroy these revolutionary movements. Now, I particularly appeal to the Honourable the Home Member. You have ruled this country for nearly one hundred years, at any rate if not one hundred years, very near it. In 1857 Queen Victoria assumed the reins and the power of ruling this country. Was there a bomb or an assassination, was even the hair of an Englishman in this country in danger until 1906 or 1907 ? (*A Voice* : " What about the mutiny ? ") I will make a present of that argument to the Honourable the Home Member because I do not wish to be misunderstood and I do not want to be side-tracked. I will concede to you the mutiny if that is all that you want.

The Honourable Sir Alexander Muddiman : I never referred to the mutiny, I spoke about assassination. (*A Voice* : " Lord Mayo.")

Mr. M. A. Jinnah : I think Mr. Chatterjee has forgotten his history. Was Lord Mayo's assassination a political assassination ? A particular person who happened to have a grievance and who happened to be in the Andamans assassinated Lord Mayo and surely you are not saying that it is a political crime. My point is this and I do not want to be side-tracked. Was there an Indian for a long time, until 1906, who threw a bomb in this country ? Now, who are the people who are really the members of these organisations ? You have caught some of them. You ought to have some fair idea of it. Why do these educated young men take to bombs ? Have you ever thought of it ? Why do these young men, bright youths who have drunk at your own literature and who have imbibed those principles of liberty and freedom, come together in secret organisations in order to assassinate you, the very people who have taught those fine principles ? Why ? Because they feel that this Government do not respond to their aspirations, to their ideals and to their ambition to secure complete political freedom for their country. Now, Sir, you are not going to put this right unless you meet those aspirations and those principles. They are deeper than you imagine.

Now, coming to this Act itself, it has been already pointed out what this Act is and how it can be used. The danger of this Statute is this. It has been already pointed out and I do not wish to repeat it, but a suggestion was made by my Honourable friend Sir Chimanlal Setalvad. I want the House to understand that. I do not know whether the Government are going to accept that proposal, but if the Government did, I am afraid the very object that they have will be destroyed. But, even if the Government are prepared to accept that, I shall certainly not accept that. I will not be a party to that. I want this Act to be repealed and I do not want to see this Act again on the Statute-book. Sir, can you point me out a single country in the world, and I appeal again to Mr. Chatterjee's knowledge of history and law, that claims the name of a civilised government which has got a Statute of this kind because there are a few bombs thrown. Which country is free, where bombs are not thrown ? Is this the way you are

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going to prevent bombs being thrown ? No. The way to prevent bombs being thrown is to meet the people, respond to their feelings, their sentiments and their legitimate and proper aspirations. I therefore strongly support this motion and I say that it is opposed to every principle of the constitution that in normal times the Executive should have such a power. Even if the Executive were responsible to the Legislature I would be the last person to give this power. Mr. Chatterjee said that the executive is also loath to use this Act. They also know the principles. They know that this Act is a very oppressive Act. They will be slow to use it. I recognise that, but you must remember that if the argument was applied, then why have at all any judicial tribunals in this country ? Why not leave everything to the Executive ? The very object, the very fundamental principle of law which says that no man's property or life is to be taken away without a judicial trial and without giving him the right to defend himself you take away by this Act. Mr. Chatterjee can sit in his room in one of these buildings not very far from here and notify that this Act is applied or notify that a particular association is unlawful, and if, Sir, it happens to be my fortune or misfortune to be a member of that association I go to jail like my Honourable friend Pandit Motilal Nehru. What remedy have I ? Where can I go for redress ?

The Honourable Mr. A. C. Chatterjee : You should resign.

Mr. M. A. Jinnah : Why should I resign, because you happen to pass an order under this Act which is a blot on the Statute-book ? Because you as an Executive Member without giving an opportunity to the Association to be heard, declare that Association unlawful, I have got to resign and the Association has got to be disbanded because Mr. Chatterjee pleases in his secret chamber to make an order without giving me a right to be heard. That is the very fundamental principle for which Englishmen have shed their blood, and, it is to their credit, they have done so ; and I say I would be prepared to shed my blood for the same principle.

Colonel J. D. Crawford (Bengal: European): Sir, it is with considerable amazement that I have heard, or rather I have not heard one word of condemnation fall from any of India's responsible leaders against the use of anarchical methods for political progress. I do desire to claim the right as a citizen of India, and I claim that right not from the fact that I have been in jail under the Statute which we are examining but that I have risked my life in the defence of India's frontiers, to say that I consider and I believe every law-abiding citizen considers, anarchical crime horrible and impossible. I desire for the moment to speak for my Province of Bengal and to say that every law-abiding citizen there views with grave misapprehension the recent outbreak of revolutionary tendencies in that Province. What is the proposal of Dr. Gour ? It is to repeal the balance of the Act—Part II. What is the proposition of Government ? Government say the situation at the moment, particularly in Bengal, does not justify us in forgoing any powers with which we are armed. And I do believe that the majority of people in Bengal believe and desire that Government should be thoroughly firm in dealing with revolutionary crime in Bengal. They do not desire to see their sons drawn again into the horrors which occurred from 1908 onwards. They desire, as many Members of this House desire, political progress, but they do not desire to

attain it by that method. Revolutionary activities do exist in Bengal. We have just heard from the Honourable Pandit Motilal Nehru and I from my own knowledge and every Member who has come from Bengal from his own knowledge, knows that such activities are in existence and are a danger and a very real danger to all law-abiding citizens. I will remind this House of my own distressful country Ireland. Organised crime is one of those things against which the ordinary law-abiding citizen and society cannot stand. In Ireland those of us who desired to speak what was in our mind, to give evidence on what we believed to be true on questions of fact, were only to be shot, to have our wives shot, to have our children shot ; and that is a position which we must not allow to arise in India to-day. I have heard my Honourable friend Pandit Madan Mohan Malaviya state that this Act has been misapplied. We know, that is not an actual fact, because the Act when it was applied was intended to deal with associations which were becoming a menace to society and it was then that many politicians in their desire to give further assistance to their country as they thought, joined those associations simply to embarrass Government. That is the reason why so many Indians have been put in prison under that Act. The Honourable Pandit Motilal Nehru stated that the ordinary law of the land should be allowed to run. The ordinary law of the land is dependent upon the fact that you can protect the man who comes to give evidence in your courts of law. If you have an organised society capable of intimidating your witnesses, what chance has the ordinary law of the land to run ? Absolutely none. Possibly the Honourable Pandit would prefer that we take this Act away from the list of repressive laws and make it one of the ordinary laws of the land, so that we may protect ourselves from organised crime and the intimidation of those who have the right of freedom of speech and freedom of thought. With these words I beg to oppose this Resolution.'

Dr. H. S. Gour : Sir, I shall very briefly reply to the criticisms that have been made on my motion on this Bill for further consideration. I am glad to find that the Honourable the Home Member and the Honourable Mr. Chatterjee both agree on the main principle of my motion, namely, that this Criminal Law Amendment Act is a detestable piece of legislation.

The Honourable Mr. A. C. Chatterjee : I never said that I agreed that this was a detestable piece of legislation and I do not remember the Home Member having ever expressed that view.

Dr. H. S. Gour : Very well, Sir, I will assume that the Honourable Mr. Chatterjee regards it as a laudable piece of legislation.

The Honourable Sir Basil Blackett (Finance Member): In those circumstances.

Dr. H. S. Gour : But at any rate so far as the Honourable the Home Member is concerned, he made no secret of the fact that he did not like it.

The Honourable Sir Alexander Muddiman : The Honourable Member will excuse my interrupting him, but what I said was that I did not like any laws of this kind and I approached them with a suspicious eye.

Dr. H. S. Gour : The Honourable the Home Member did not like any piece of legislation of this character unless it was justified by dire necessity, and the Honourable the Home Member therefore strove to establish

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a case of dire necessity. He said that in 1908 this measure was enacted for the suppression of anarchical crime in Bengal and he has enumerated a large number of cases of outbreaks of dacoity and murder during the last twelve months. Now, Sir, this enactment has been on the Statute-book during those last 12 months, and I ask the Honourable the Home Member if this Act was enacted for the benefit of Bengal and there was justification for its extension for the suppression of crime in that Province, has any notification been issued by the Local Government declaring any Association as unlawful as required by section 16 of the Act ? The fact that the Act itself is in force in Bengal and is indeed in force elsewhere does not count. In order to bring the provisions of that Act into force what the section requires is that there must be a notification by the Local Government under section 16 ; and I beg to ask whether any association has been declared unlawful in Bengal as required by that section ? I presume from the silence of the Honourable the Home Member that he is not in possession of any information declaring any association in Bengal as unlawful under the provisions of Part II. If so, Sir, the Act has failed of its effect and the existence of revolutionary crime in Bengal during the last twelve months has not been suppressed and no attempt has been made to suppress it by resorting to the provisions of Part II of the Criminal Law Amendment Act. I therefore submit that the justification which the Honourable the Home Member set out in his opening speech has not been made good by the facts which I have adverted to.

I now pass on to the next question. The Honourable the Home Member has asked this House to endorse his view on the ground that it is necessary for the Executive to suppress anarchical crimes in Bengal and elsewhere ; which I pointed out could be done by resorting to the sections relating to conspiracy. The Home Member has also done me the honour to quote my remarks on the conspiracy sections. But may I also reciprocate that compliment by quoting the words of the Mover of the motion which culminated in the enactment of the Criminal Law Amendment Act of 1913, popularly known as the Conspiracy Act. Referring to the present Act, which I ask the House to repeal, he said :

> "Experience has shown that dangerous conspiracies are entered into in India which have for their object some other than the commission of the offence specified in section 121-A. of the Indian Penal Code and that the existing law is inadequate to deal with modern conditions."

Now, Sir, remember these words. The Criminal Law Amendment Act, 1908, was passed in that year ; in 1913 the Conspiracy Bill was introduced in the Imperial Legislative Council and the justification for the introduction of the Conspiracy Bill was that this Act of 1908 had proved inadequate to suppress conspiracies in India. Now, I beg to ask, in face of this confession made by the accredited spokesman of the Government in 1913, what justification is there for retaining this Act on the Statute-book ?

Then the Honourable the Home Member said " If we repeal this Act, where is the substitute ? " I pointed out to him that the substitute exists in the Conspiracy Act ; he then said that the Conspiracy Act requires a higher standard of proof. May I ask him to remember the words of the Honourable the Mover of the Bill in 1913 when he confessed that this Act of 1908 was wholly inadequate to deal with conspiracies ?

I cannot understand, Sir, how in the face of that confession Government can resist my motion to take my Bill into consideration.

Then, Sir, my Honourable friend, Sir Chimanlal Setalvad, in his speech pointed out that Part II of the Criminal Law Amendment Act which I am asking this House to repeal contains a dangerous provision and he asked the Government to make a declaration whether they were prepared to table an amendment to remove this pernicious provision contained in section 15 (*b*) of the Act. Well, Sir, the Government had a sufficiently long time to do so. If they will turn to page 2207 of the Debates containing the speeches on the day of introduction, they will find that the identical point was brought to the notice of the then Home Member. I then pointed out that the Government were given the power of declaring any association as illegal without hearing the association or its representative or calling upon it to show cause. It was the condemnation of an association unheard and without the right to be heard and that association was powerless because it could not move any judicial tribunal to set aside the executive order of the Government. I further pointed out that once this declaration was made all members of that association became liable to be sentenced as provided in the next section, and it was not competent to the High Court to go into the question whether the declaration made by the Local Government was right or wrong. I further pointed out, Sir, that the terms of the Act had been greatly enlarged and the scope of its mischief extended by the enactment of the Act of 1920 ; for while in 1908 the power to declare these associations illegal was given merely to the Governor General in Council, by the Devolution Act of 1920 that power has been transferred to the Local Government with the result that the Local Governments who complained against an association are given the power to declare it as illegal and thereafter all members of that association becomc liable to sentence. I submit, Sir, that I further pointed out then that it was a very extremely humiliating position to ascribe to the Judges. The Executive Government says " this man has committed an offence ; you pass the sentence ", and the sentencing Judge is powerless to inquire into the innocence or guilt of that person. Is this a position which the Honourable the Home Member with his legal associations and traditions can ever justify and tolerate ? Sir, that was the position which was pointed out to the Government in March last. What action have the Government taken to rectify this Act since then ? They could then have said : " We are prepared to revise the provisions of this Act confining it to cases of anarchical crime and inserting salutary provisions and judicial safeguards ".

Have they taken any action in the matter ? They have done nothing of the kind. In these circumstances I ask my friend, Sir Chimanlal Setalvad, whether he would not be justified in going into the lobby with us if this motion is pressed to a division.

As regards the other speakers, including Colonel Crawford, I am afraid, Sir, they have not really realised the real situation. What is the good of talking about the existence of anarchy and revolutionary crime throughout the country ? What we are complaining of is not the weapons already existing in the armoury of the Government but of the method of trial under this Act, which we submit and the Honourable the Home Member was constrained to admit confers upon the Executive extraordinary powers of jurisdiction. On these grounds I submit that the House should support my motion.

The Honourable Sir Alexander Muddiman: Sir, I have listened to the debate with great attention. I have had confirmed all my worst fears and have heard that there is a serious anarchical movement in Bengal which may spread to other provinces. That, I understood in effect my Honourable friend to say. That, Sir, is a matter which the Government will have to consider and I can assure the Honourable Member we shall not forget our primary duty of maintaining law and order at whatever cost. Secondly, Sir, I referred to Bengal not so much for the purpose of showing that this particular Bill is being utilised in that province—I understood my Honourable friend's main point was that things in India were so quiet that he did not think it necessary for us to have these powers. He himself said in his speech when moving for leave to introduce the Bill:

"That head of the State may be designated the Sovereign or the King or it may be a collective body of men like the British Parliament, or it may be one person chosen by that Parliament in days of great national crisis and emergency as a Dictator, such as was chosen in the early days of Rome. But whatever may be the position of the State, in times of emergency, all powers are centred in a small body of men or in one man. But in an ordinary state of society, when peace reigns supreme and ebullitions of crime are local and sporadic, constitutional law recognises no power in the executive to wield and perform judicial functions."

That was in an ordinary state of society, but I gather that he argues that things are different here. Secondly, he argues that this part of the Bill has been used in other provinces for other purposes; not connected with anarchical crime and that it has not been used purely for the maintenance of law and order. I did not deal with this point because my Honourable friend in his speech did not raise it. It has been dealt with by my Honourable friend Mr. Chatterjee.

Now, I have been charged with laying undue stress on a few dacoities in Bengal. Sir, there have been many decoities in Bengal and it was not to emphasize that that I was addressing the House. I referred to these Chittagong occurrences for the purpose of making my point that in one of them ammunition was recovered which was not ammunition which could be legally obtained in this country and further to make the point that the subsequent murder on the 12th of January was committed with cartridges of the same kind. It was not merely for the sake of talking of dacoities in Bengal; there are a great many dacoities in Bengal and I only referred to these occurrences by way of illustrating the point which I made and which has not been controverted.

Now, it is said: Why do not we let things drift? Because that is really what it comes to—why do you want these unusual laws? We do not like them ourselves. We hate them. Why not let things drift on till it comes to a question of martial law? Well, Sir, I should be exceedingly unwilling to do that. If I can stop a leak with a small piece of wood, I do not take a large peg. If I can prevent the bursting through of law and order, I should prefer to do it when there is only a trickle coming through. I do not wish to wait till the waters have burst through.

Or take another analogy. When the fire is starting, you can throw a bucket of water on it, you may stop it. But when the fire once gets hold of one's house, then, Sir, sometimes nothing but the destruction of the house will save the neighbouring houses. (*Mr. V. J. Patel*: "It is the fire of patriotism that you want to throw water on.") No, Sir, I do not wish to throw water on the fire of patriotism—that is far from my intention. I desire to see India patriotic, but I do not desire to see India anarchical. (*Mr. V. J. Patel*: "Give us Swaraj then.")

Sir, the suggestion was thrown out by my Honourable and learned friend, Sir Chimanlal Setalvad, that something might be done to amend the Act. At present I think the Bill is merely for the repeal of the Act. If any alternative proposal is put forward I shall certainly consider it, but it is not in my power to say that I can do more because of course in a matter of this kind I can only speak subject to the authority of the Government of India. The present proposal however is for the repeal of the Bill.

Sir Chimanlal Setalvad : May I inquire whether we can have any thing more definite than what the Home Member has said ? Can we have any definite assurances of the character that I have suggested of introducing some judicial safeguards, because on such assurances will depend the votes of some Members.

The Honourable Sir Alexander Muddiman : It is quite obvious, as I said, that in a matter of this kind I can give no assurance. All I can say is that we will consider the matter. It is a matter that concerns my Government. Nor is it, strictly speaking, relevant to this particular discussion. This is a motion for the complete repeal of the Act—nothing more.

Pandit Motilal Nehru : And nothing less.

The Honourable Sir Alexander Muddimán : And nothing less, says my Honourable friend. I understood from something that fell from my Honourable friend, Mr. Jinnah, that he thought the period 1912—1917 was one which was immune from anarchical outrages. The point is a very small one, by I may say that there were 174 anarchical outrages in that period. I do not know whether that is sufficient.

The main issue, it seems to me, is this. We are told we may be confronted—and I do not suggest that it is a threat, I am quite prepared to accept it as a friendly warning—we are told that the Government may be confronted with very serious anarchical trouble. Well, Sir, if that is the case, are we going to throw away any weapon, however small ? (*Pandit Motilal Nehru* : " Is it a weapon ? ") Well, my point is—it may not be a strong weapon—I quite agree that you cannot notify the inner ring, because you do not know who they are. But anarchical movements are made up not only of those who have entirely gone over to the enemy, so to say, but of those who are in the condition, shall I say, of semi-solidification, and those persons you can affect. (*Mr. V. J. Patel* : " Congress volunteers.") Well, if the creed of the Congress is violent, it may be so. I am not prepared to say who. Section 15 of the Bill defines an unlawful association as an association which encourages or aids persons to commit violence or intimidation or whose members habitually commit such acts. Sir, if that part of the definition is not to be used. (*Dr. H. S. Gour* : " What about (*b*) ? ") But your Bill is to repeal the whole Act. You do not repeal (*b*)—you repeal (*a*) and (*b*) and the whole Act. Is there anybody in the House who would encourage the persons who commit acts of violence or intimidation ? No, Sir.

Pandit Madan Mohan Malaviya : May I ask the Honourable the Home Member to say whether there are not sufficient and abundant provisions in the existing law, the Criminal Procedure Code, the Indian Penal Code, etc., to deal with all the men who are mentioned in clauses (*a*) and (*b*) of the sections to which he has referred ?

The Honourable Sir Alexander Muddiman: Sir, that is a contention that my Honourable friend made out, but I do not admit that contention. The point of this Bill is that it deals with associations of this kind. You say: why do not you use the conspiracy law? Is not that sufficient? Sir, the answer is "Because our witnesses are intimidated, our witnesses are shot." That is why? Does the House not admit our difficulties in this matter? Am I to stand by and see the Commissioner of Police, Calcutta, hunted for his life? Am I to stand by and see terrorism stalking over the land? Am I to be told that when we have to cope with the bomb and the revolver, we should hand over any of the special powers we have? No, Sir, not while I am in the Government of India.

Mr. President: The question is:

"That the Bill to repeal certain provisions of the Indian Criminal Law Amendment Act, 1908, be taken into consideration."

The Assembly divided:

AYES—71.

Abdul Karim, Khwaja.	Malaviya, Pandit Krishna Kant.
Abhyankar, Mr. M. V.	Malaviya, Pandit Madan Mohan.
Abul Kasem, Maulvi.	Mehta, Mr. Jamnadas M.
Acharya, Mr. M. K.	Misra, Pandit Shambhu Dayal.
Aiyangar, Mr. C. Duraiswami.	Misra, Pandit Harkaran Nath.
Aiyangar, Mr. K. Rama.	Murtuza Sahib Bahadur, Maulvi Sayad.
Aiyer, Sir P. S. Sivaswamy.	Mutalik, Sardar V. N.
Aney, Mr. M. S.	Nambiyar, Mr. K. K.
Badi-uz-Zaman, Maulvi.	Narain Dass, Mr.
Belvi, Mr. D. V.	Nehru, Dr. Kishenlal.
Chaman Lall, Mr.	Nehru, Pandit Motilal.
Chanda, Mr. Kamini Kumar.	Nehru, Pandit Shamlal.
Das, Mr. Bhubanananda.	Neogy, Mr. K. C.
Das, Mr. Nilakantha.	Patel, Mr. V. J.
Datta, Dr. S. K.	Piyare Lal, Lala.
Duni Chand, Lala.	Purshotamdas Thakurdas, Sir.
Dutt, Mr. Amar Nath.	Ramachandra Rao, Diwan Bahadur M.
Ghazanfar Ali Khan, Raja.	Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed.
Ghose, Mr. S. C.	Rangachariar, Diwan Bahadur T.
Ghulam Bari, Khan Bahadur.	Ranga Iyer, Mr. C. S.
Goswami, Mr. T. C.	Ray, Mr. Kumar Sankar.
Gour, Dr. H. S.	Reddi, Mr. K. Venkataramana.
Govind Das, Seth.	Samiullah Khan, Mr. M.
Gulab Singh, Sardar.	Sarda, Rai Sahib M. Harbilas.
Hussanally, Khan Bahadur W. M.	Sarfaraz Hussain Khan, Khan Bahadur.
Hyder, Dr. L. K.	Setalvad, Sir Chimanlal.
Ismail Khan, Mr.	Shafee, Maulvi Mohammad.
Iyengar, Mr. A. Rangaswami.	Shams-uz-Zoha, Khan Bahadur M.
Jeelani, Haji S. A. K.	Singh, Mr. Gaya Prasad.
Jinnah, Mr. M. A.	Sinha, Mr. Ambika Prasad.
Joshi, Mr. N. M.	Sinha, Kumar Ganganand.
Kartar Singh, Sardar.	Tok Kyi, Maung.
Kazim Ali, Shaikh-e-Chatgam Maulvi Muhammad.	Venkatapatiraju, Mr. B.
Kelkar, Mr. N. C.	Vishindas, Mr. Harchandrai.
Lohokare, Mr. K. G.	Yusuf Imam, Mr. M.
Mahmood Schamnad Sahib Bahadur, Mr.	

NOES—39.

Abdul-Qaiyum, Nawab Sir Sahibzada.
Ajab Khan, Captain.
Akram Hussain, Prince A. M. M.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Bray, Mr. Denys.
Burdon, Mr. E.
Calvert, Mr. H.
Chalmers, Mr. T. A.
Chatterjee, The Honourable Mr. A. C.
Cocke, Mr. H. G.
Crawford, Colonel J. D.
Dalal, Sardar B. A.
Duval, Mr. H. P.
Fleming, Mr. E. G.
Hezlett, Mr. J.
Hindley, Mr. C. D. M.
Hira Singh, Sardar Bahadur Captain.
Holme, Mr. H. E.
Hudson, Mr. W. F.
Innes, The Honourable Sir Charles.
Lindsay, Mr. Darcy.
Lloyd, Mr. A. H.
Moncrieff Smith, Sir Henry.
Muddiman, The Honourable Sir Alexander.
Muhammad Ismail, Khan Bahadur Saiyid.
Nag, Mr. G. C.
Naidu, Mr. M. C.
Parsons, Mr. A. A. L.
Raj Narain, Rai Bahadur.
Rushbrook-Williams, Prof. L. F.
Sams, Mr. H. A.
Sastri, Diwan Bahadur C. V. Visvanatha.
Singh, Rai Bahadur S. N.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Tottenham, Mr. G. R. F.
Webb, Mr. M.
Wilson, Mr. R. A.

The motion was adopted.

Mr. President: I propose to adjourn now and the order for the consideration stage of this Bill will be put down as the first order on the paper on the 23rd.

The Honourable Sir Alexander Muddiman: Sir, with your permission, I wish to refer to a telegram from Bengal which I have received this afternoon.

Dr. H. S. Gour: Is it possible to go on with this Bill now? It will not take a long time.

Mr. President: I have had that kind of assurance from Members before that it will not take a very long time, but it has usually been otherwise.

DEATH OF MR. BHUPENDRA NATH BASU.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I referred to Bengal in the course of my speech this afternoon, but I never knew that I would have to refer to it again so soon. A telegram has just reached me announcing the death of a very old friend of mine and a friend, I think, of many Members of this House,—I mean Mr. Bhupendra Nath Basu. I made an allusion to him in my speech on the Lee Commission Report. I knew that he was very ill, but it comes to me as a shock to hear that he has so soon passed away. He was a member of the old Imperial Legislative Council. He was a personal friend of mine and he was a great Bengali and a great servant of India, and I thank you, Sir, for having allowed me to express a few words of tribute to the memory of the deceased.

Sir P. S. Sivaswamy Aiyer (Madras: Nominated Non-Official): The news that has been conveyed to the House by the Leader of the House must, I am sure, come as a shock to all the Members of the Assembly. We knew that Mr. Basu had been ill for some time past, but we had no idea that the end was so near. I cannot give expression adequately to my feelings of great regret at the death of Mr. Basu, nor can I now adequately express the respect which I and those who knew him entertained for him. He had been long associated with the public life of this country and he had done his best to forward the progress of this country along the path of constitutional evolution. His services to this

[Sir P. S. Sivaswamy Aiyer.]

country have been of a most valuable character, and we all expected, that he might be able to render further valuable service in his position as a Member of the Executive Council of Bengal. But fortune willed it otherwise. Sir, I associate myself with the expressions of sorrow and appreciation which have fallen from the Leader of the House, and I hope, Sir, that you will convey our sympathy to the members of the deceased's family.

Mr. M. A. Jinnah (Bombay City : Muhammadan Urban) : It is with the deepest regret that we have heard the news of one of the greatest Indians and a patriot who worked for more than 40 years in public life. I entirely associate myself in the expression of sorrow and regret at the news that we have received to-day.

Mr. Darcy Lindsay (Bengal : European) : Sir, I desire to associate myself with the expressions of regret of the Honourable the Home Member at the sad news that we have received of the death of one of India's most trusted sons. Mr. Basu is a very old friend of mine and I have been closely associated with him in the Calcutta Club which was, as you know, started to bring the Indians and Europeans together in closer social intercourse. He gave us the utmost assistance in that connection. I would like to express our very deep regret and sympathy with his relatives.

Pandit Motilal Nehru (Cities of the United Provinces : Non-Muhammadan Urban) : I associate myself with the remarks which have fallen from the previous speakers. Mr. Basu was one of our very old comrades in arms, and although he was separated from us for a series of years while he held office we all had the highest esteem for him. I sincerely regret his loss.

Maulvi Abul Kasem (Bengal : Nominated Non-Official) : Sir, just as I came into this room I was told of the sad death of our distinguished countryman, Mr. Basu. He was one of the foremost leaders of Indian public opinion, and, if I may say so, he belonged to that noble band of workers who did the spade work which has now brought about constitutional reforms in this country. Speaking as a Mussalman, I wish to say, and I believe I echo the feelings and sentiments of my co-religionists all over India and in Bengal in particular, that he was one of those prominent Hindu leaders with whom communal interests were absolutely negligible. He felt for the Muhammadans as keenly as he felt for the Hindus. He was a national asset and his death is a very great loss to India in general and to the Mussalmans of Bengal in particular, because they cannot find a man of the calibre of Mr. Basu in their midst, and I say, Sir, that it is desirable that this House should convey to the bereaved family our respectful condolences.

Mr. President : I am sure I shall be carrying out the unanimous desire of the House if I transmit a copy of these proceedings to the relatives of Mr. Basu conveying an expression of the deep sense of the loss with which we have received the news of his death.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 17th September, 1924.

LEGISLATIVE ASSEMBLY.

Wednesday, 17th September, 1924.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

CASE AGAINST SERGEANT O'MEARA, MANAGER OF THE GRASS FARM, DEOLALI.

2058. ***Haji S. A. K. Jeelani:** (*a*) Will the Government be pleased to state whether it is a fact that Sergeant O'Meara, Manager of the Grass Farm, Deolali, was prosecuted and tried by the Military Court of Inquiry in 1921 at Deolali ?

(*b*) Will the Government be pleased to state the charges on which prosecution was launched against him ?

(*c*) Will the Government be pleased to state whether it is a fact that on the findings of the Military Court of Inquiry Sergeant O'Meara was further prosecuted before the Cantonment Magistrate of Deolali ?

(*d*) Will the Government be pleased to state the names, and designations of those who were cited as chief witnesses in this case and whose evidence was taken in full ?

(*e*) Is it a fact that after a full trial of the accused and on the strength of the evidence tendered, he was committed to Sessions by the Cantonment Magistrate ?

(*f*) Is it a fact that at the Court of Sessions the case was withdrawn by the Government pleader ?

(*g*) Will the Government be pleased to state the reasons for the withdrawal of the case ?

(*h*) Will the Government be pleased to state whether it is a fact that the witness who gave evidence in the two Subordinate Courts against the accused, tendered evidence in favour of the accused at the Court of Sessions ?

(*i*) Will the Government be pleased to state whether any action, departmental or otherwise, has been taken against him for tendering conflicting evidence ?

(*j*) Will the Government be pleased to state whether there had been any Indian witnesses in this case, if so, will the Government be pleased to state their names and avocations ?

(*k*) Will the Government be pleased to lay on the table a copy of the papers connected with the case ?

Mr. E. Burdon: (*a*) The conduct of Staff Sergeant O'Meara, Manager of the Military Grass Farm, Deolali, was investigated by a Court of Inquiry which was held at Deolali on the 16th May 1921. In the recommendation of that Court, the case was reported to the civil police for investigation.

(*b*) and (*c*). A prosecution was instituted, under sections 109, 465, 477-A and 480 of the Indian Penal Code, in the Court of the Cantonment Magistrate, Deolali.

(*d*) A statement giving the names and designations of the witnesses is laid on the table.

(*e*) The case was committed to the Sessions Court, Nasik, by the Cantonment Magistrate, Deolali.

(*f*) The case was not withdrawn. Agreeing with the unanimous verdict of the jury, the Judge held that the charge was not proved against the accused, and they were, therefore, acquitted.

(*g*) This question does not now arise.

(*h*) Government are informed that this is not a fact.

(*i*) Does not arise.

(*j*) Yes. The information desired has been given in the statement laid on the table in reply to part (*d*) of this question.

(*k*) Government are not prepared to lay any papers on the table. The judicial records are not in the possession of the Government of India.

Statement giving the names and designations of the witnesses who tendered evidence in the case against Sergeant O'Meara.

Major V. W. Brett, Assistant Controller of Grass Farms, 9th Circle.

Major H. Kirke (formerly Deputy Assistant Director, Veterinary Services, Poona District).

Captain R. L. Watts, Oxfordshire and Buckinghamshire Light Infantry.

Khan Sahib Sheik Ahmed, Deputy Examiner, Military Accounts Department.

Karid Khan, Octroi Inspector.

Esmailjii, Contractor.

Mithu Pillaji Dhangar, Weighman and Despatcher, Military Grass Farms, Deolali.

Bhagchand Shirsat (without occupation).

RELIEF OF DISTRESS CAUSED BY THE FLOODS IN SOUTHERN INDIA.

2059. ***Mr. C. Duraiswami Aiyangar** : Will the Government be pleased to state what action the Government of India intend taking to co-operate, with the Local Government in granting relief to the distressed people in the flooded areas in Southern India ?

Mr. J. W. Bhore : The attention of the Honourable Member is drawn to the reply given to Mr. Bhubanananda Das' question No. 1905 on the same subject.

Mr. A. Rangaswami Aiyangar : May I know if the Government would be able to give some time to Members of this House to bring to the notice of Government the nature of the relief that is needed from the Government of India to the Madras Government for the people in distress.

Mr. J. W. Bhore : I am not in a position to give the Honourable Member any definite assurance, but I have already promised to consider the point.

APPOINTMENT OF A COMMITTEE TO CONSIDER THE GRIEVANCES OF THE PUBLIC WITH REGARD TO RAILWAYS.

2060. ***Mr. C. Duraiswami Aiyangar** : (*a*) Is it a fact that the Secretary, Railway Grievances Redressing Association for India

addressed a letter in August 1921 to His Excellency the Governor General stating in detail the complaints of the public with constructive suggestions ?

(*b*) If so, will the Government be pleased to state what action has been taken to remedy the grievances ?

(*c*) Do the Government intend to get a representative committee appointed to inquire and report on the grievances and their remedies ?

Mr. C. D. M. Hindley : (*a*) Yes.

(*b*) The Secretary, Railway Grievances Redressing Association for India was informed at the time by the Private Secretary to His Excellency the Viceroy of the action taken.

(*c*) Government do not consider the appointment of such a Committee necessary.

INCREASE OF LICENCE FEES FOR THE SALE OF COFFEE, ETC., AT RAILWAY STATIONS ON THE SOUTH INDIAN RAILWAY.

2061. ***Mr. C. Duraiswami Aiyangar :** (*a*) Is it a fact that Mr. Muirhead, the Managing Director of the South Indian Railway Company, increased the license fee for selling coffee, etc., to the passengers on the platform from about one rupee a year to about six rupees a month ?

(*b*) Are the Government aware that increase of the license fee results in the supply of an inferior quantity of coffee, sweetmeats, etc., to the passengers ?

(*c*) Are the Government prepared to take steps to get the license fee reduced to a nominal term ?

Mr. C. D. M. Hindley : (*a*), (*b*) and (*c*). Government have no information. The matter is one which, if represented to the Agent, might suitably be discussed with the Local Advisory Committee of the Railway.

A copy of the question and answer will be sent to the Agent.

THEFT OF INSURED LETTERS.

2062. ***Mr. C. Duraiswami Aiyangar :** (*a*) Has the attention of the Government been drawn to an article in "Railway Guardian" of May 1924 under the heading "the second class gate-keeper of Trichinopoly Junction S. I. Ry. Co." ?

(*b*) Is it a fact that there were some defalcations of the contents of insured letters delivered from the Terupati Post Office ?

(*c*) Will the Government be pleased to state the number of such letters and the value of contents lost ?

(*d*) Will the Government be pleased to state if the culprit has been detected ?

Mr. H. A. Sams : (*a*) No.

(*b*) Yes.

(*c*) Three, each for one hundred rupees.

(*d*) No. A postman who was suspected was transferred to another post office where he is being prosecuted in connection with another case.

EXPENDITURE ON ROADS IN THE ST. THOMAS MOUNT CANTONMENT.

2063. *Haji S. A. K. Jeelani : (a) Will the Government be pleased to state separately the total income for the past three years of the St. Thomas Mount Cantonment proper and the Bazaar Boundary division (Sadar Bazaar) of the said cantonment ?

(b) Will the Government be pleased to state the budget allotment for repairs and constructions of roads of the St. Thomas Mount Cantonment for the last three years ?

(c) Will the Government be pleased to state how much of this allotment had actually been spent for construction and repairs of roads in the Cantonment proper and the Bazaar Boundary division of the St. Thomas Mount Cantonment.

Mr. E. Burdon : The information required has been called for from the local military authorities. I will communicate it to the Honourable Member when it is received.

RELIEF MEASURES FOR AREAS AFFECTED BY THE RECENT FLOODS.

2064. *Sardar V. N. Mutalik : Will Government be pleased to state whether this Government intend to render any help towards the relief measures for the areas affected by recent floods, and the extent, and nature of the help ?

Mr. J. W. Bhore : The attention of the Honourable Member is drawn to the reply given to Mr. Bhubanananda Das' question No. 1905 on the same subject.

APPOINTMENT OF ADDITIONAL JUDGES TO THE CALCUTTA HIGH COURT.

2065. *Mr. Kumar Sankar Ray : (a) Will the Government be pleased to state whether any representation has been made by the Calcutta High Court for the appointment of additional Judges to the said High Court ?

(b) If so, what are the grounds advanced for such additional appointments ?

(c) Is congestion of work one of such grounds ? If so, will the Government be pleased to publish a comparative statement of the number of different kinds of cases instituted and disposed of by the High Court in the years 1905 and 1922 respectively ?

(d) Whether such congestion if any, is tending to increase or decrease since 1922 ?

Mr. H. Tonkinson : (a) Yes.

(b) and (c). The proposal is based on the ground of the accumulation of arrears. The Honourable the Chief Justice has expressed the view that although every effort is being made to reduce the arrears the Court with its present staff can barely keep abreast with current work, and that there is no hope of overtaking the arrears unless substantial additional assistance is given to the Bench. Statements containing the statistics asked for are laid on the table.

(d) The total pendency of suits was less on the 1st January 1924 than in the two preceding years.

APPENDIX.

Statement showing the arrears of work in the Calcutta High Court on the 1st July 1922 and 1st January 1923.

Original Side.	Half year ending the 30th June 1922.				Half year ending the 31st December 1922.					Remarks.
	Pending on 1st January 1922.	Instituted during the half year.	Total.	Disposed of.	Pending on 1st July 1922.	Instituted during the half year.	Total.	Disposed of.	Pending on 1st January 1923.	
Original Suits	5,322	2,185	7,517	2,029	5,488	1,494	6,982	1,699	5,283	
Insolvent cases	1,215	137	1,352	23	1,329	108	1,437	24	1,413	
Miscellaneous cases ..	316	342	658	321	337	336	673	340	333	
Totals for above periods ..	6,853	2,664	9,527	2,373	7,154	1,038	9,092	2,063	7,029	

Statement showing the arrears of work in the Calcutta High Court on the 1st July 1922 and 1st January 1923.

Appellate Side (Criminal).	Half year ending the 30th June 1922.							Half year ending the 31st December 1922.						Remarks.
	Pending on 1st January 1922.	Instituted during the half year.	Total.	Admitted.	Rejected.	Disposed of.	Pending on 1st July 1922.	Instituted during the half year	Total.	Admitted.	Rejected.	Disposed of	Pending on 1st January 1923.	
Appeals	48	342	390	72	274	77	39	330	369	50	233	58	78	
References ..	19	61	80	..	..	73	7	66	73	..	..	53	20	
Revision	102	692	794	274	319	387	88	797	885	376	349	397	139	
Totals for the above periods.	169	1,095	1,264	346	593	537	134	1,193	1,327	426	582	508	237	

Statement showing the arrears of work in the Calcutta High Court on the 1st July 1922 and 1st January 1923

Appellate Side (Civil).	Half year ending the 30th June 1922.				Half year ending the 31st December 1922.					Remarks.
	Pending on 1st January 1922.	Instituted during the half year.	Total.	Disposed of.	Pending on 1st July 1922.	Instituted during the half year.	Total.	Disposed of.	Pending on 1st January 1923.	
First Appeals . . .	453	205	658	195	463	132	595	113	482	
Second Appeals . .	5,323	1,547	6,870	2,220	4,650	1,158	5,808	1,328	4,480	
Miscellaneous cases . .	1,342	1,718	3,060	1,780	1,280	1,301	2,581	1,369	1,212	
Totals for the above periods	7,118	3,470	10,588	4,195	6,393	2,591	8,984	2,810	6,174	

Tabular statement showing the arrears of the Calcutta High Court on the 1st July 1905 and 1st January 1906.

	Half year ending 30th June 1905.				Half year ending 31st December 1905.					Remarks.
	Pending on 1st January 1905.	Instituted during the half year.	Total.	Disposed of.	Pending on 1st July 1905.	Instituted during the half year.	Total.	Disposed of.	Pending on 1st January 1906.	
Original side.										
Original suits	1,226	492	1,718	668	1,050	433	1,483	394	1,089	
Insolvent suits	183	131	314	117	197	119	316	88	228	
Miscellaneous cases	(b)257	280	537	268	269	193	462	256	206	
Total	(b) 1666	903	2,569	1,053	1,516	745	2,261	738	1,523	
Appellate Side. (Civil).										
First appeals	1,171	247	1,418	403	1,015	284	1,299	213	1,086	
Second appeals	5,191	1,320	6,511	2,745	3,766	1,329	5,095	1,514	3,581	
Miscellaneous cases	913	2,501	3,414	2,609	805	1,958	27,63	1,747	1,016	
Total	7,275	4,068	11,343	5,757	5,586	3,571	9,157	3,474	5,683	

(b) According to the return for the first half of 1905.

	Half-year ending 30th June 1905.						Half-year ending 31st December 1905.						
	Pending on 1st January 1905.	Filed.	Total.	Admitted.	Rejected.	Disposed of.	Pending on 1st July 1905.	Filed.	Total.	Admitted.	Rejected.	Disposed of.	Pending on 1st January 1906.
Appellate Side (Criminal)													
Appeal	75	643	718	188	383	154	181	502	683	193	321	290	72
References	21	54	75	..	..	56	19	56	75	..	..	62	13
Revision	172	883	1,055	397	336	566	153	833	986	387	319	569	78
Total	263	1,580	1,848	585	719	776	353	1,391	1,744	570	640	941	163

Mr. K. C. Neogy: Have Government considered the desirability of establishing a City Civil Court for Calcutta?

Mr. H. Tonkinson: That question, I think, was considered some years ago, but it has not been recently considered.

Mr. K. C. Neogy: Are Government aware that the Retrenchment Committee which was appointed to go into the expenditure of the High Court of Calcutta in their report recommended that the establishment

of a City Civil Court might be considered as a method of reducing the work of the Calcutta High Court ?

Mr. H. Tonkinson : I am prepared to take that as a statement of fact from the Honourable Member.

REPRESENTATION FROM SARBILAND KHAN, LATE SUB-INSPECTOR OF POLICE, DERA ISMAIL KHAN, AGAINST HIS DISMISSAL.

2066. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : Have the Government of India received a representation addressed to His Excellency the Viceroy against the order dated 3rd April 1924 of the Honourable the Chief Commissioner, North-West Frontier Province, rejecting the appeal and confirming the order of the Inspector General of Police, dated 19th January 1924 dismissing one Sarbiland Khan late Sub-Inspector No. 7 in Dera Ismail Khan, or has the same been withheld under some executive authority by the local administration through whom it was submitted ?

The Honourable Sir Alexander Muddiman : The Government of India have received no such representation and have no information regarding the withholding of any such representation by the Chief Commissioner.

QUALIFICATIONS OF SARBILAND KHAN, LATE SUB-INSPECTOR OF POLICE, DERA ISMAIL KHAN.

2067. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : Is it a fact that the dismissed Sub-Inspector Sarbiland Khan (*a*) possessed high educational qualifications having passed :

(1) The Anglo-Vernacular Entrance Examination of the Punjab University.

(2) The Patwari, and

(3) Kanungo Examination of the Revenue Department, and

(4) With credit the St. John Ambulance Examination.

(5) Stood first among all the Punjab and Frontier Province candidates at the 1910 Upper Class Examination of the Phillour Police Training School ?

(*b*) Has he served Government for 22 years of which 16 years were in the police and is it a fact that for his good work he was promoted to the post of Sub-Inspector in 1915 and given his grade promotion in April 1923 ?

(*c*) Was he on several occasions granted commendation certificates and rewards for his meritorious services ?

The Honourable Sir Alexander Muddiman : The Government of India have no information.

CASE OF SARBILAND KHAN, LATE SUB-INSPECTOR OF POLICE, DERA ISMAIL KHAN.

2068. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : (*a*) Is it a fact that the main charge against Sarbiland Khan was that he did not properly investigate a case of grievous hurt on the nose with a stick which was eventually compromised and that he was also found fault with for not complying with the orders of the Inspector and Deputy Superintendent of Police to produce before them parties and witnesses in that case but it was proved that at the time when these orders reached the police station

he was working as a junior under his senior officer Sub-Inspector Basheshar Nath ?

(*b*) Was Mr. Cooks, Inspector-General, to whom the papers were first sent up struck with the irrelevancies of the proceedings and did he in his order, dated 21st August 1923, direct further inquiry and was the Sub-Inspector as a result of that order reinstated ?

(*c*) How was it that no further inquiry was made by the Superintendent of Police in compliance with the above order and is it a fact that the Sub-Inspector was dismissed by Mr. Tomkins who succeeded as Inspector General on the first report referred to ?

(*d*) Did " C " or confidential reports form one of the chief reasons for the order dismissing the Sub-Inspector ?

(*e*) Is there a rule 17—3 in the Police Code issued by Government authority which lays down that " dismissal shall be awarded only for the gravest misconduct and in making such an award regard shall be held to the length of service of the offender and his claim to pension " ?

(*f*) If the answers to the above questions are in the affirmative and the facts on which they are based are correctly stated are the Government of India prepared to call for the papers and reconsider the case ?

The Honourable Sir Alexander Muddiman : (*a*) to (*d*). Government have no information.

(*e*) Yes, but the quotation is not quite accurate.†

(*f*) I am not prepared to call for the papers, since the case was one which the local Administration had full powers to dispose of.

OPERATION OF SECTIONS 211 AND 500 OF THE INDIAN PENAL CODE IN THE DERA ISMAIL KHAN DISTRICT.

2069. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah :** Is it a fact that sections 211 and 500 of the Indian Penal Code do not operate in Dera Ismail Khan district of the N. W. F. Province ? If so, will the Government please state the reasons for which the following case was dismissed by the Deputy Commissioner :

> Sardar Asad Jan Khan, son of Nawab Sahib Mohammad Afzal Khan Gandapur of Kulachi complainant *versus* Abdul Majid Khan, son of Mohammad Atal Khan Gandapur accused ; filed on 23rd January 1920. Charge under sections 211, 500 ?

The Honourable Sir Alexander Muddiman : The information required has been called for from the local Government and will be communicated to the Honourable Member when it is received.

DIFFERENCES BETWEEN KHASSADARS, SCOUTS AND *Chighawalas*.

2070. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah :** (*a*) Will the Government be pleased to state what is the difference between a Khassadar, a scout and a *Chighawala* ?

(*b*) What services are taken from them and what is given them in return per month ?

(*c*) What is " *Shahi Chigha* " ? Do the Government give anything to the persons who go on *Chigha* ?

† The words " under the black mark system or " should come in between the words " only " and " for ".

(*d*) If nothing is given them is it because of the fact that they live in the settled districts and are peaceful subjects ; or is it because of the fact that in order to save their lives and properties from the inroads of the raider they are given rifles by the Government ?

Mr. Denys Bray : (*a*) Khassadars are tribesmen (mainly trans-border) employed on a tribal basis for watch and ward on or across the border. They feed, clothe, house and arm themselves. Scouts are members of the North and South Waziristan Scouts which have replaced the old Militia units. They are provided with uniforms and arms and hold the more important posts in Waziristan which are not occupied by troops. A *Chighawala* is any member of a village pursuit party, who turns out as in duty bound by frontier village custom to drive off, or intercept, raiders attacking or threatening his own or a neighbouring village.

(*b*) Khassadars patrol and picket roads, furnish escorts, and help in preventing the passage of raiders. The duties of the Scouts are somewhat similar. The *Chighawala's* duties I have already specified. Khassadars get Rs. 20 to Rs. 30 monthly ; Scouts are paid at slightly lower rates than Sepoys. *Chighawalas* as such receive no pay.

(*c*) The term is not in current use. Though *Chighawalas* receive no regular pay, they are commonly rewarded if they render good service.

(*d*) Scouts and Khassadars receive pay as whole-time Government servants. *Chighawalas* are not Government servants at all, but are often armed with Government rifles.

Bigar IN THE GANDAPURI TRACT OF THE N. W. F. PROVINCE.

2071. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah :** Is it a fact that *bigar* is rife in the Gandapuri tract ?

IRRIGATION WORK ON THE LUNI RIVER.

2072. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah :** (*a*) Will the Government be pleased to state when in the Gandapuri tract it was made a law that in future the irrigation work on the Luni river should be done on " *raqha* " instead of " *maujuda* " ?

(*b*) How many times was the dam at Madi village made an exception to the rule.

(*c*) Did the zamindar protest that the law has been broken by the officers themselves ? If so, was any heed paid to such protests ?

DAMS AND WATERWAYS IN THE GANDAPURI TRACT OF THE N. W. F. PROVINCE.

2073. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah :** Is it a fact that (*a*) those dams and waterways which were admitted by the last settlement in the Gandapuri tract are disallowed by the irrigation department ; and (*b*) when to redress their grievances an application is sent to the present Revenue Assistant he takes months and months in deciding such cases ?

Mr. J. W. Bhore : The information is not available and has been called for from the local Administration.

REPRESENTATION OF MUHAMMADANS IN THE INCOME-TAX DEPARTMENT OF THE PUNJAB AND THE NORTH-WEST FRONTIER PROVINCE.

2074. *Khan Bahadur Makhdum Syed Rajan Baksh Shah: (*a*) Will the Government be pleased to state the number of appointments held by Christians, Hindus, and Muhammadans as Assistant Commissioners, Income-tax officers, Inspectors and clerical assistants in the Income-tax Department of the Punjab and the North-West Frontier Province?

(*b*) Will the Government be pleased to state the number of Christian, Hindu and Muhammadan assessors in these Provinces?

(*c*) Will the Government be pleased to state why the proportion of the Muhammadans is so low in the Income-tax Department and what steps the Government propose to take in order to ensure proper representation for the Muhammadans?

The Honourable Sir Basil Blackett: The information is being obtained and will be furnished to the Honourable Member in due course.

RESULT OF THE STAFF SELECTION BOARD EXAMINATION HELD IN JUNE 1924.

2075. *Khan Bahadur Makhdum Syed Rajan Baksh Shah: (*a*) Will the Government be pleased to lay on the table a list of candidates who came out successful in the examination held by the Staff Selection Board at Simla in the end of June last? How many of these successful candidates have so far been provided for?

(*b*) Are the Government prepared to consider the question of notifying the names of those successful candidates who are not likely to be provided for by the Government of India, to Provincial Governments, so that they could have a chance of employment in Government offices sooner?

The Honourable Sir Alexander Muddiman: (*a*) A copy of the list of outside candidates who passed the Staff Selection Board's examination held in June last is placed on the table. It is too early yet for any of the candidates to be provided with appointments.

(*b*) Copies of the list have been forwarded to Local Governments for publication in the local Gazettes if they consider it desirable. At the request of some Local Governments the names of the candidates in the list belonging to their provinces have also been communicated to them.

No. F.-678-24-Public.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

NOTIFICATION.

PUBLIC.

Simla, the 20th August 1924.

The names of the outside candidates who have qualified for employment in the Government of India Secretariat and in Attached offices as a result of the examination

held by the Staff Selection Board on the 28th and 30th June 1924 and the marks obtained by each candidate are hereby published for general information :

List of candidates qualified for employment as stenographers in order of merit.

Serial No.	Roll No.	Names.	Marks.	Speed per minute.
1	366	V. G. R. Aiyangar	180*	140 words.
2	75	Dalip Singh Bhala	378	140 ,,
3	365	V. Deraiswami	356	100 ,,
4	329	Shankar Das Malik	140*	100 ,,
5	249	Mohd.Siddiq	321	100 ,,
6	245	Mohd. Yaqub	320	100 ,,
7	335	Sita Ram	316	100 ,,
8	340	Syed Mohammed Hussan	292	100 ,,
9	10	Agam Prasad Mathur	286	100 ,,
10	58	Brij Mohan Vaishya	268	100 ,,
11	252	Muni Lal	265	100 ,,
12	41	Barkat Ram Anand	259	100 ,,
13	350	Sukhabindu Sen Gupta	252	100 ,,
14	191	K. L. Talwar	195	100 ,,

* Indicates marks for stenography only. These candidates were exempted from the written examination as they had previously qualified.

List of candidates qualified for employment as typists and routine clerks, in order of merit.

Serial No.	Roll No.	Names.	Marks.
1	368	Miss Agnes Vieux	303
2	267	Padam Nabh Joshi	247
3	26	Avadh Narain Lal	241
4	172	Kalwant Rai	239
5	66	Chand Kishore	223
6	112	Guranditta Mall Chopra	221
7	113	Gurbaksh Singh	221
8	33	Badri Datt Joshi	214
9	28	Ayodhia Prasad	210
10	25	Angshuman Banerjee	209
11	60	Brij Bhushan Lal	209
12	247	Mohammed Yusuf	206
13	133	Hari Krishan Joshi	208
14	53	Bibhuti Bhushan Datt	203
15	357	Syed Ghalib Ali Shah	202
16	243	Mohd. Yaqub Ahmad	199
17	322	Shah Din	198
18	261	Nazir Ahmad	198
19	300	Ram Swaroop Sharma	198
20	313	Sardari Lal	192
21	93	Fazlur Rhaman	192
22	332	Shiv Narain Saksena	191
23	333	Shiv Shankar	190
24	225	M. L. Dilvaria	189

Serial No.	Roll No.	Names.	Marks.
25	360	Triloki Nath Gupta	189
26	137	Harnam Dass	186
27	324	Shah Mohamed Burney	181
28	177	Kesar Singh	180
29	179	Khushal Chand	180
30	120	Gyan Chand (P. P. Jain)	176
31	5	Abdul Wahid	175
32	255	Mohammad Riaz Shah	172
33	49	Bhagwati Prasad	169
34	344	Sardar Mohd.	167
35	208	Mahboob Alam	166
36	298	R. R. Kochhar	161
37	188	Kishore Chand	153
38	363	Tufail Mohammad	151
39	337	Sita Ram Kaistha	146
40	380	Sharifur Rahman Khan	144

T. SLOAN,

Deputy Secretary to the Government of India.

REPRESENTATION OF MUHAMMADANS IN THE OFFICE OF THE DISTRICT TRAFFIC SUPERINTENDENT, QUETTA, NORTH-WESTERN RAILWAY.

2076. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah**: Has the notice regarding the number of Muslims employed in the office of the D. T. S., Quetta, published in the issue of 17th August 1924, of the *Muslim Outlook*, come to the notice of the Government? If so, do the Government propose to take steps to give adequate representation to the Muslim community in the staff of the office of the D. T. S., Quetta?

Mr. C. D. M. Hindley: Government have not seen the notice quoted, but in this connection the Honourable Member is referred to the reply in respect to a similar representation given to Chaudhri Bahawal Baksh on the 20th March 1924.

PROPOSED CONSTRUCTION OF THE ODERO LAL-SAKRAND LIGHT RAILWAY.

2077. ***Mr. Harchandrai Vishindas**: (*a*) Is it a fact that Government replied to the application of Messrs. Forbes, Forbes, Campbell & Co., Ltd., of Karachi for sanction to build the Odero Lal-Sakrand Light Railway that the Government had no objection to the construction of the line by the company but that the Government were not prepared to grant any concessions for survey or construction?

(*b*) If so, will Government be pleased to state the reasons for such refusal?

(*c*) Is it a fact that in the past such concessions were granted as a matter of course?

Mr. C. D. M. Hindley: (*a*) The reply given to Messrs. Forbes, Forbes, Campbell and Co. in April last about the proposed Odero Lal-Sakrand Light Railway was that the Board had no objection to the construction of the proposed line, but were not prepared to undertake the survey,

or if the construction of the railway were eventually decided upon to grant any concession under the branch line terms of 1913.

(*b*) The reason for that reply was that the branch line terms of 1913 are at present in abeyance.

(*c*) It is not correct to say that in the past such concessions were granted as a matter of course. Proposals submitted by the promoters of such branch lines were subjected to careful examination before concessions were granted under those terms.

Mr. Harchandrai Vishindas : May I inquire whether in this case there is any chance of these feeder lines coming into existence ? Have the Government come to a conclusion ?

Mr. C. D. M. Hindley : In this particular case I think it is a matter for the Local Government to take up and if they do so, I have no doubt that we shall consider any representation they send to us on the subject.

Mr. Harchandrai Vishindas : Is the Honourable Member in a position to come to a conclusion as to whether these lines would be financially paying in the long run ? Has that question been taken into consideration by the Government ?

Mr. C. D. M. Hindley : I am speaking from memory, perhaps not perfect memory. But in regard to this case my impression is that it is not what we call a remunerative project.

ENCOURAGEMENT OF PRIVATE ENTERPRISE FOR THE CONSTRUCTION AND WORKING OF BRANCH AND FEEDER RAILWAY LINES.

2078. ***Mr. Harchandrai Vishindas :** (*a*) Have the Government of India in their Railway Department modified their former policy of encouraging private enterprise for the construction and working of branch and feeder lines ?

(*b*) Did such modification aim at the State's in preference to private companies' financing of such lines ?

(*c*) If so, are Government in adequate funds to carry out all such schemes as private companies have offered to undertake ?

(*d*) Have Government invited and received opinions from the various Chambers of Commerce and is it a fact that the Chambers have favoured the view that the usual concessions should be granted and private enterprise encouraged ?

Mr. C. D. M. Hindley : (*a*) and (*b*). The question of modifying the previous branch line policy in accordance with the recommendations in paragraphs 177-180 of the report of the Acworth Committee is under consideration.

(*c*) Government do not anticipate any difficulty in providing funds for such branch lines as are likely to prove remunerative. It is, of course, only such lines that private companies would be prepared to take up.

(*d*) The opinions of Provincial Governments were asked but not those of Chambers of Commerce. It is understood, however, that

certain Provincial Governments consulted firms interested in branch line companies.

Mr. Harchandrai Vishindas : If a company undertakes to construct a line, if it is unremunerative that loss will not fall on the Government. It will fall on the company. Am I right ?

Mr. C. D. M. Hindley : I have no doubt the Honqurable Member is correct, but at the same time I cannot conceive of a public company undertaking to construct a line which is obviously going to be unremunerative.

Mr. Harchandrai Vishindas : Exactly. If the public company undertakes to construct the line, it may be presumed that the company thinks it to be remunerative and may be permitted to do so.

Mr. C. D. M. Hindley : I think that is a hypothetical question.

ENCOURAGEMENT OF PRIVATE ENTERPRISE FOR THE CONSTRUCTION OF LIGHT RAILWAYS.

2079. *Mr. Harchandrai Vishindas : (*a*) Are Government aware that it was at the earnest solicitations of the people who would be served by the Odero-Lal-Sakrand Light Railway that Messrs. Forbes, Forbes, Campbell & Co., Ltd., undertook its construction ?

(*b*) Are Government aware that the Province of Sindh has been long suffering from great lack of communications ?

(*c*) Has it come to the knowledge of Government of India that when the attention of H. E. Sir George Lloyd, the late Governor of Bombay, was drawn to this drawback in an address presented to him in early January 1923, his reply was that he considered the construction of light railways to be the proper remedy ; and that in default of Local Boards shouldering the responsibility of constructing such railways, private enterprise should be *warmly* encouraged ?

(*d*) If so, do Government propose to translate into action the hope held out by His Excellency ?

Mr. C. D. M. Hindley : (*a*), (*b*) and (*c*). The reply is in the negative.

(*d*) There is nothing to prevent the hope stated to have been held out by His Excellency the Governor of Bombay in January 1923 being realised, and the Government of India have stated in reply to the only application they have received in regard to the construction of the Light Railway in question that they have no objection to the construction of the line.

Mr. Harchandrai Vishindas : Might I inquire whether any communication has been received from that company as to whether they intend to construct the line, or have any conditions been imposed upon them by Government which they are not prepared to accept ? What is the position now ?

Mr. C. D. M. Hindley : The position is as I have already stated. I do not think any recent application has been received so far as I can remember.

CAPACITY OF RAILWAY WORKSHOPS FOR GENERAL REPAIR AND REHABILITATION WORK.

2080. *Mr. W. S. J. Willson : Will Government be pleased to state what is the capacity of the workshops attached to each railway system with regard to :

(*a*) repair of locomotives,

(*b*) repair of wagons,

(*c*) manufacture of spare parts for wagons,

(*d*) general repair and rehabilitation work ?

Mr. C. D. M. Hindley : The information asked for in (*a*) and (*b*) is being collected and will be supplied to the Honourable Member on receipt ; also the information with regard to (*c*) if it is possible to obtain it.

(*d*) If the Honourable Member will suggest the unit on which the capacity of workshops for general repair and rehabilitation work can be calculated, I will see whether it is possible to obtain the information for him.

RESOLUTION *re* RUPEE TENDERS FOR THE PURCHASE OF STORES.

2081. *Mr. W. S. J. Willson : Will Government be pleased to state :

(*a*) What action they have taken on the resolution of Mr. M. A. Jinnah as amended, which the Assembly passed at the Delhi session recommending that Rupee tenders should be called for all State purchases in this country ;

(*b*) The capital outlay on the workshop of each railway system in India and what additional outlay is expected to be made in the next five years ?

The Honourable Mr. A. C. Chatterjee : (*a*) The question is receiving consideration and the Honourable Member will realize that it has to be examined in many complicated aspects.

(*b*) I place on the table two statements giving the information so far as available.

I

Statement showing capital outlay on workshops including stores buildings on each line of State railways whether worked by Coy. or State incurred from commencement of operations or from date of purchase in the case of railways purchased from the old Guaranteed Railway Companies to end of 31st March 1924.

Railways.	Outlay to end of 1923-24
	Rs.
North Western	2,54,48,229
Oudh and Rohilkhand	59,86,643
Assam Bengal	34,01,322
Bengal Nagpur	1,32,77,016
Burma	49,23,823
Bombay, Baroda and Central India	1,11,21,571
East Indian	1,62,54,861
Great Indian Peninsula	1,43,54,478
South Indian	84,71,564
Eastern Bengal	Information not available.
Madras and Southern Mahratta	Information not available.

II.

Statement showing additional capital outlay proposed to be incurred on the workshops of each railway system during the five years 1924-25 to 1928-29.

Railway.	Capital. Rs. (Lakhs).
Assam Bengal Railway	23.11
Bengal and North Western Railway	1.00
Bengal Nagpur Railway	54.23
Burma Railways	15.09
Bombay, Baroda and Central India Ry.	224.45
East Indian Railway	131.93
Eastern Bengal Railway	56.58
Great Indian Peninsula Railway	165.35
Madras and Southern Mahratta Railway	189.65
North Western Railway	93.88
Oudh and Rohilkhand Railway	151.85
Rohilkund and Kumaon Railway	..
South Indian Railway	189.99
Total	1,297.11

Mr. Bhubanananda Das : May I know if Government communicated this Resolution to the Secretary of State and what the opinion of the Secretary of State on the Resolution was ?

The Honourable Mr. A. C. Chatterjee : The Government of India have not yet communicated with the Secretary of State on this subject.

Diwan Bahadur M. Ramachandra Rao : May I ask the Honourable Member when the Government are likely to come to a decision in regard to part (*a*) of this question ?

The Honourable Mr. A. C. Chatterjee : As soon as possible.

Diwan Bahadur M. Ramachandra Rao : May I know what that means ? Sometimes matters remain pending with Government for five or six years.

The Honourable Mr. A. C. Chatterjee : I do not think this question has been pending for five or six years.

PROVISION OF QUARTERS FOR EUROPEAN, ANGLO-INDIAN AND INDIAN GUARDS OF THE EASTERN BENGAL RAILWAY STATIONED AT SEALDAH.

2082. *Mr. Amar Nath Dutt : Will the Government be pleased to state how many European, Anglo-Indian and Indian guards of the E. B. Railway stationed at Sealdah are provided with quarters ?

Mr. C. D. M. Hindley : 46 European and Anglo-Indian guards of the Eastern Bengal Railway stationed at Sealdah are provided with railway quarters, while no Indian guards stationed there are provided with railway houses.

Diwan Bahadur T. Rangachariar : When will the railway companies cease to make this distinction ?

Mr. C. D. M. Hindley : Sir, I am aware that the answer as I have given it implies a discrimination. It is not so in fact. The provision of quarters for railway employees depends on the available supply of quarters in the neighbourhood. There are places where it is not necessary to supply any quarters ; there are other places where it is

essential that they should be provided. I think any one who knows conditions of life in Calcutta will realize at once that there can be no difficulty for Indian guards in obtaining quarters. I would also like to qualify what I have said in my reply with the remark that these quarters are not free quarters ; the occupants pay rent for them.

Mr. Amar Nath Dutt : Were there not repeated memorials submitted to the authorities for free quarters for Indian employees ?

Mr. C. D. M. Hindley : I am not aware at the moment of any such memorial having been sent up. If they asked for free quarters I have no doubt we refused to give them.

Mr. K. C. Neogy : What return do Government get for these quarters ?

Mr. C. D. M. Hindley : I am not in a position to say in regard to these particular quarters.

Mr. K. C. Neogy : Is recovery made according to scale of pay or on the value of the house ?

Mr. C. D. M. Hindley : I think I must ask for notice. I am not prepared to give details of these calculations at the moment.

Mr. K. C. Neogy : Will it be true to say that the rent is merely nominal in most cases ?

Mr. C. D. M. Hindley : No, Sir, it is based on certain calculations in regard to size and the class of house.

Mr. A. Rangaswami Iyengar : May I know the principle on which these calculations are made ?

Mr. C. D. M. Hindley : I cannot say, Sir.

PROVISION OF QUARTERS FOR THE MINISTERIAL AND STATION STAFF OF THE EASTERN BENGAL RAILWAY AT CALCUTTA.

2083. ***Mr. Amar Nath Dutt** : Will the Government be pleased to state how many of the ministerial staff and station staff of the E. B. Railway at Calcutta are provided with quarters ?

Mr. C. D. M. Hindley : No members of the ministerial staff of the Eastern Bengal Railway at Calcutta are provided with Railway quarters, while 42 members of the station staff there are provided with railway quarters.

ELECTRIC INSTALLATIONS AND WATER TAPS IN QUARTERS IN CALCUTTA FOR EUROPEAN, ANGLO-INDIAN AND INDIAN STAFF OF THE EASTERN BENGAL RAILWAY.

2084. ***Mr. Amar Nath Dutt** : Will the Government be pleased to state how many quarters in Calcutta for Indian, European and Anglo-Indian staff of the E. B. Railway are fitted with electric lights and fans and how many water taps are given in each quarter for Europeans and Anglo-Indians and how many for Indians ?

Mr. C. D. M. Hindley : 68 European and Anglo-Indian quarters in Calcutta are fitted with electric installations. No Indian quarters are so fitted. Two water taps are provided in each quarter for Europeans and Anglo-Indians and one in each quarter for Indians.

Electric Installations are provided for staff drawing Rs. 150 or more per month.

Mr. Amar Nath Dutt : Is it a fact that even arrangements for watering gardens are in many cases made in the case of European quarters ?

Mr. C. D. M. Hindley : I do not happen to know the locality very well, Sir, and I cannot say whether water is used in the gardens. I am not sure whether there are any gardens there.

Khan Bahadur W. M. Hussanally : On what principle is electricity supplied to people getting Rs. 150 and not to those getting below that figure ?

Mr. C. D. M. Hindley : The principle is, Sir, that electric installations, as I have already said, are provided for staff drawing a pay of Rs. 150 and above, a purely arbitrary figure.

Khan Bahadur W. M. Hussanally : Why is not supplied to those getting below that figure ?

Mr. C. D. M. Hindley : Obviously, Sir, those railway servants drawing less than Rs. 150 would not be able to pay for the current supplied. It is perfectly obvious I think.

Mr. K. C. Neogy : Is it not a fact that this salary limit excludes a large majority of Indian employees of the railways ?

Mr. C. D. M. Hindley : The ratio of employees drawing Rs. 150 and under to those drawing over Rs. 150 is a very large figure indeed, and therefore by implication the Honourable Member's question must be answered in the affirmative.

Khan Bahadur W. M. Hussanally : Has the Honourable Member any idea as to the cost per lamp per month ?

Mr. C. D. M. Hindley : No, Sir, I might guess, but the guess would not be worth much.

Khan Bahadur W. M. Hussanally : Will it not be only a few annas, less than a rupee per month ?

Mr. C. D. M. Hindley : I have not the slightest idea. I know my own bill is more than a few annas a month.

Khan Bahadur W. M. Hussanally : I believe it will be only six annas and even those employees who get below Rs. 150 can easily afford it.

GRANTS MADE BY THE EASTERN BENGAL RAILWAY TO SCHOOLS FOR EUROPEANS, ANGLO-INDIANS AND INDIANS.

2085. ***Mr. Amar Nath Dutt :** (*a*) Will the Government be pleased to state how many schools for Europeans, Anglo-Indians and Indians are there aided by the E. B. Railway ?

(*b*) What amount was paid by the E. B. Railway as aid to schools for Europeans and Indians in 1922 and 1923 ?

(*c*) Will the Government be pleased to state if there is any difference in the payment of aids to schools for children of employees of State Railways ?

(*d*) If so, will the Government be pleased to state what is the difference and the reason for such difference ?

Mr. C. D. M. Hindley : The information has been called for and will be furnished to the Honourable Member when received.

Mr. Gaya Prasad Singh : Will the information be laid on the table of the House ?

Mr. C. D. M. Hindley : I have no objection, Sir.

GRANTS FROM THE FINE FUND ON THE EASTERN BENGAL RAILWAY TOWARDS RECREATION CLUBS OF THEIR EMPLOYEES.

2086. ***Mr. Amar Nath Dutt :** (*a*) Will the Government be pleased to state if there is any Fine Fund in the E. B. Railway ?

(*b*) If so, will the Government be pleased to state if any portion of it was spent on ball dances ? If so, what is the amount for 1922 and 1923 respectively ?

Mr. C. D. M. Hindley : (*a*) Yes.

(*b*) Grants of Rs. 10,175 and Rs. 11,661 were made in 1922-23 and 1923-24 respectively towards recreation clubs maintained for the benefit of the employés. The Committees of the clubs are responsible for spending these grants.

Mr. Amar Nath Dutt : I beg to know whether any special amount is spent for ball dances ?

Mr. C. D. M. Hindley : I do not know, Sir.

Mr. Amar Nath Dutt : Will the Honourable Member be pleased to inquire ?

Mr. C. D. M. Hindley : No, Sir.

Mr. Amar Nath Dutt : Is any portion of this fund spent for Indian employees ?

Mr. C. D. M. Hindley : The grants are made, I believe, to recreation clubs run for the benefit of Indian employees and for European employees.

Khan Bahadur W. M. Hussanally : May I know whether the Honourable Member did actually make an inquiry as regards the specific question asked ?

Mr. C. D. M. Hindley : No, Sir, I made no such inquiry. I have already said that the committees of the clubs are responsible for spending these amounts. We do not propose to take charge here from Simla of the direct management of these recreation clubs.

Mr. Amar Nath Dutt : Will the Honourable Member be pleased to inquire whether any money out of this fund was spent for immoral purposes such as dances ?

(*Cries of* " Order, order ".)

Mr. Chaman Lall : Is it a fact that the grants to these clubs allowed for Europeans is more than that allowed to Indians ?

Mr. C. D. M. Hindley : I am not in a position to answer that categorically, Sir, but feel quite safe in saying that there is no such preference given.

Khan Bahadur W. M. Hussanally : Are Indian employees of railways represented upon these committees which have the disposal of the funds ?

Mr. C. D. M. Hindley : Undoubtedly, Sir. Where a recreation club is run for the benefit of Indians the Indians are represented on the committee.

Mr. Gaya Prasad Singh : Considering the serious nature of the implications involved in this question, do Government propose to make an inquiry ?

Mr. President : The Honourable Member has no sense of proportion. I am very doubtful whether this has any public interest whatever.

REAPPOINTMENT OF RETRENCHED EUROPEANS, ANGLO-INDIANS AND INDIANS ON THE EASTERN BENGAL RAILWAY.

2087. ***Mr. Amar Nath Dutt :** Will the Government be pleased to state how many new hands have been appointed after the retrenchment and how many retrenched hands have been reappointed in the E. B. Railway and how many of them are Europeans, Anglo-Indians and Indians ?

Mr. C. D. M. Hindley : It is not possible to give the information asked for, but the Honourable Member is referred to Annexures A and B to the explanatory Memorandum of the Railway Budget for 1924-25. Similar information is being collected showing the figures of variation in the staff up to April 1924 and these will be published in the forthcoming Administration Report.

APPOINTMENT OF AN ANGLO-INDIAN ASSISTANT STATION MASTER TO OFFICIATE AS TRAFFIC INSPECTOR, LALMONIRHAT, ON THE E. B. RAILWAY.

2088. ***Mr. Amar Nath Dutt :** (*a*) Are the Government aware that the District Traffic Superintendent, Lalmonirhat of the E. B. Railway recently appointed an Anglo-Indian Assistant Station Master to officiate in place of Traffic Inspector No. I Lalmonirhat ?

(*b*) If so, will the Government be pleased to state if it is a fact that the officiating man has only joined the post of Assistant Station Master about a month from the list of guards ?

(*c*) If so, will the Government be pleased to state the reason for not putting any one from the rank of Indian Station Masters who have a good record of service ?

Mr. C. D. M. Hindley : (*a*), (*b*) and (*c*). Government have no information. The matter is one which it is within the competence of local Railway officials to decide.

BUILDING OF RAILWAY QUARTERS NEAR A GRAVEYARD AT KURIGRAM ON THE EASTERN BENGAL RAILWAY.

2089. ***Mr. Amar Nath Dutt :** (*a*) Are the Government aware that the E. B. Railway has acquired a plot of land at Kurigram to shift the present Kurigram railway station ?

(*b*) If so, will the Government be pleased to state if the land is on the side of a Muhammadan running graveyard ?

(*c*) If so, will the Government be pleased to state if any objection was raised by the staff to live in quarters to be built near the graveyard ?

(*d*) If so, will the Government be pleased to state if any land is available on the southern side of the present railway line ?

(*e*) If so, will the Government be pleased to state if they have selected a site for staff quarters in the newly acquired land ?

(*f*) If so, will the Government be pleased to state what is the distance between the graveyard and the site for staff quarters ?

Mr. C. D. M. Hindley : (*a*), (*b*) and (*c*). Yes.

(*d*) It is not known whether any land is available on the southern side of the present railway line.

(*e*) Yes, but it is understood that the selected site is as far as possible from the nearest edge of the graveyard.

(*f*) Government are informed that the nearest quarters will be 75 ft. from the edge of the graveyard.

QUALIFICATIONS AND PAY OF MUNSIFFS IN THE PUNJAB AND THE NORTH-WEST FRONTIER PROVINCE.

2090. * **Mr. Abdul Haye:** 1. Is it a fact that previous to the year 1923 the Munsiffs in the Punjab and North-Western Frontier Province used to get Rs. 200 to 300 as their graded pay and were treated as members of the Subordinate Judicial Service ?

2. Is it a fact that the Munsiffs in the Punjab who are now called Sub-Judges have been brought on to the Provincial cadre since January 1923 and their graded pay has been fixed at Rs. 300—30—850 ?

3. Is it a fact that the Munsiffs in the North-Western Frontier Province are still members of the subordinate service and are getting the same old rate of pay, *i.e.*, Rs. 200—300.

4. Is it a fact that the Munsiffs in the North-Western Frontier Province are required to pass the same departmental test as is prescribed for the Sub-Judges in the Punjab ?

5. If the answer to parts Nos. 1 to 4 be in the affirmative will the Government please state the reasons as to why the Munsiffs in the North-West Frontier Province have been differently treated in this matter ?

6. Are the Government prepared to promote the Munsiffs in the North-West Frontier Province to the Provincial Service and increase their salaries and also to grant them arrears from January 1923 ?

Mr. Denys Bray : 1, 2, 3 and 4. Yes.

5 and 6. The present Munsiffs do not possess the same educational qualifications as their confrères in the Punjab. The question of insisting on the same qualifications and of applying the same scale of pay is under consideration.

Khan Bahadur Sarfaraz Hussain Khan : Why are Munsiffs in the North-West Frontier Province paid less than those in the Punjab ? Why this difference ?

Mr. Denys Bray : It is a matter of history, Sir.

INCREASE IN THE NUMBER OF MUNSIFFS IN THE NORTH-WEST FRONTIER PROVINCE.

2091. *Mr. Abdul Haye : (*a*) Is it a fact that most of the districts of the North-West Frontier Province have only one Munsiff stationed at the head-quarters of the district, while in the Punjab a Munsiff has been provided for almost every Tehsil ?

(*b*) Is the Government aware that in the North-West Frontier Province the litigant public of villages find it very inconvenient to come to the head-quarters of the districts for their cases as very often they have to travel long distances over dangerous and bad roads ?

(*c*) Is it a fact that in the North-West Frontier Province there are at present only eight posts of Munsiffs ?

(*d*) Are the Government prepared to increase the number of Munsiffs in the North-West Frontier Province ?

(*e*) What is the total number of accepted candidates for the post of Munsiffs in the North-West Frontier Province ?

(*f*) Is it a fact that in most cases such candidates have to wait for five or more years before they are taken into service ?

Mr. Denys Bray : (*a*) Munsiffs in the North-West Frontier Province are stationed as follows :—Peshawar 2, Mardan 1, Abbottabad 1, Haripur 1, Kohat 1, Dera Ismail Khan 1, Bannu 1, total 8, for five districts and sixteen tahsils.

(*b*) Government are aware of the difficulties referred to.

(*c*) Yes.

(*d*) Government are not at present prepared to increase the number of Munsiffs in the North-West Frontier Province as they consider a larger establishment would in the present circumstances be extravagant.

(*e*) Twenty-two.

(*f*) Yes, candidates have to wait many years before appointment.

Khan Bahadur Sarfaraz Hussain Khan : Can Government not improve the qualifications of the Munsiffs ?

Mr. Denys Bray : On our list of candidates there are excellent Munsiffs available.

TRANSFER OF THE OFFICE OF THE ACCOUNTANT GENERAL, CENTRAL REVENUES, TO DELHI.

2092. *Mr T. C. Goswami : (*a*) When is the Jukes Committee's Scheme expected to mature ?

(*b*) Is it a fact that the office of the Accountant General of Central Revenues is going to be removed to Delhi early in October ?

(*c*) If so, have the clerks who are to go to Delhi been selected and informed that they have to go to Delhi ? Do the Government propose to give such clerks timely notice to enable them to make arrangements ?

(*d*) Have any concessions and allowances, permanent or temporary, been granted to those clerks who are to go to Delhi ?

(*e*) Are Government prepared to consider the advisability of postponing this removal to Delhi pending the Jukes Committee Scheme maturing ?

(*f*) Are Government prepared to consider the advisability of assigning men to the provincial branch in the province to which they belong ?

(*g*) Is it not a fact that the conditions of service of the men (except those of recently appointed men) do not render them liable to transfers, and that their salaries are not on an All-India basis ?

The Honourable Sir Basil Blackett : (*a*) There is no "Jukes Committee." Strictly speaking the rest of the question does not arise but I may inform the Honourable Member that Mr. Jukes is an officer on special duty in the Finance Department with two assistants. As a result of his investigations, various experiments in the separation of audit from accounts are in progress, or are shortly to be in progress, in various parts of India. The date of the conclusion of the special duty must depend upon the results of these experiments.

(*b*) Yes.

(*c*) The whole staff will move to Delhi except a portion to be selected within the next few days which will remain in Calcutta. This position is known to the staff.

(*d*) The Auditor General's proposals regarding the concessions to be granted to the staff which will be transferred to Delhi are at present under consideration.

(*e*) After full consideration of all the circumstances involved, it has been decided to remove the office in October next.

(*f*) Of the staff which will be transferred to Delhi in October next, there is no likelihood of any considerable number being retransferred to Calcutta in connection with Mr. Jukes' scheme. If and when the scheme is extended to the provincial accounts in Bengal, men from the office of the Accountant General, Bengal, will have the first claim for transfer to the separate provincial accounts branch.

(*g*) The clerks and Subordinate Accounts Service men are not liable to transfers (except that the latter are liable to transfer to the Auditor General's office), and their salaries are not on an All-India basis. These facts have been taken into account by the Auditor General in framing his proposed concessions.

Franchise for Women.

2093. ***Mr. Bhubanananda Das :** (*a*) Have Government received a memorandum from Indian women at Simla on the question of women franchise ?

(*b*) Do Government intend to advise the Reforms Inquiry Committee to inquire into the question of women franchise and to call for evidence of representative Indian women on the question of women franchise ?

Mr. H. Tonkinson : (*a*) No.

(*b*) and (*c*). The question is one for the Committee to determine, but the Honourable Member will presumably have learnt from the press that a representative of the Indian ladies of Simla gave evidence before the Committee on the 26th August.

ALLEGED DISCOURTESY OF GOVERNMENT OFFICERS TO INDIAN WOMEN.

2094. *Mr. Bhubanananda Das : (*a*) Are Government aware of the general tone of discourtesy of some of their officers to Indian womanhood exhibited all over the country ?

(*b*) Do Government propose to adopt means to prevent repetition of such acts of discourtesy to Indian women ?

(*c*) Have Government considered the advisability of employing the services of their C. I. D. branch to collect statistics of discourtesy and insults to Indian womanhood offered by their officers ?

Mr. H. Tonkinson : (*a*) to (*c*). Government have every reason to believe that there is no truth whatever in the statement in part (*a*) of the question and consider it needless to devise remedies for imaginary evils.

COST OF PRODUCTION OF THE "MORAL AND MATERIAL PROGRESS REPORT."

2095. *Mr. M. S. Aney : Will the Government be pleased to state :

(*a*) What cost is incurred for publishing a statement for presentation to Parliament in accordance with section 26 of the Government of India each year from 1921-22 to 1923-24 ?

(*b*) Whether the report prepared by the officer entrusted with the task, is examined carefully by the Government of India or the Secretary of State before it is published and presented to Parliament ?

(*c*) If so what person or persons official or non-official were entrusted with the duty during each of the following years :

1921-22 and 1922-23 ?

Mr. H. Tonkinson : (*a*) No accurate statement of cost can be given, since the preparation and publication of the Report is one among the many functions of the office of the Director of Public Information. The cost of printing, after deduction of the proceeds from sales, was about Rs. 5,500 for the 1920 Report and about Rs. 4,500 for the 1921-22 Report. The complete figures for later years are not immediately available.

(*b*) and (*c*). The Report is scrutinised by officers of the different Departments of the Government of India and also in the India Office before publication or presentation to Parliament. Neither the Government of India nor the Secretary of State accepts responsibility for any particular expression of opinion.

Mr. M. S. Aney : Are Government aware that the views expressed in this publication are frequently quoted in the British Press and Parliament as being the views of the Government of India ?

Mr. H. Tonkinson : I believe that is a fact, Sir.

Mr. M. S. Aney : If these notes are scrutinized, as is admitted, and if the Government of India are not willing to subscribe to the accuracy of these notes and in view of the affirmative answer just given, what remedy have the Government of India to prevent themselves from being misrepresented in the British Press ?

Mr. H. Tonkinson : I think, Sir, that is a hypothetical question.

Mr. C. Duraiswami Aiyangar : Is the Report for 1923-24 ready ?

Mr. H. Tonkinson : I am afraid I do not know, Sir.

Mr. C. Duraiswami Aiyangar : Will the Honourable Member get the information from Mr. Rushbrook Williams ?

Professor L. F. Rushbrook-Williams : The 1923-24 Report after being scrutinized by the Secretary of State and the Government of India is being printed at the present moment. There has been a certain amount of delay this year owing to the adoption of the revised procedure which enables the Secretary of State to pass the final proofs of the Report before it goes to Press.

Mr. C. Duraiswami Aiyangar : Will Government be pleased to present that Report before this Assembly before it is submitted to Parliament ?

Mr. H. Tonkinson : The Report, Sir, is required to be submitted to Parliament under the provisions of the Government of India Act. I do not think it can very well be laid before this Assembly before it is presented to Parliament.

Mr. C. Duraiswami Aiyangar : May I know whether there is anything in the constitution to prevent its being placed before the Assembly and getting its approval ?

Mr. H. Tonkinson : I should like notice of that question.

PREFATORY NOTE TO "INDIA IN 1922-23."

2096. ***Mr. M. S. Aney :** (*a*) (*i*) What department of the Government of India is responsible for the "Prefatory Note" to the report styled "India in 1922-23" by Professor L. F. Rushbrook-Williams, C.B.E. ?

(*ii*) Is the attention of the Government of India drawn to the following passage in the prefatory note to the above book :

> "But it must not be understood that approval of the Secretary of State or of the Government of India extends to every particular expression of opinion" ?

Mr. H. Tonkinson : (*a*) (*i*) The prefatory note to "India in 1922-23" was inserted at the instance of His Majesty's Secretary of State for India.

(*ii*) Government are aware of the passage.

Mr. M. V. Abhyankar : Are the Government going to publish a statement showing what passages in that publication the Government of India are not in agreement with ?

Mr. H. Tonkinson : No, Sir.

Mr. M. V. Abhyankar : Are the Government going to instruct the officer concerned hereafter not to publish any passages in that publication with which either the Government of India or the Secretary of State will not be in agreement ?

Mr. H. Tonkinson : No, Sir.

THE BUREAU OF PUBLIC INFORMATION.

2097. ***Mr. M. S. Aney :** (*a*) Will the Government be pleased to state whether the publicity officers on duty in different provinces are under the control of the Director of Public Information, Government of India, as regards their duties in respect of publicity ?

(*b*) Will the Government be pleased to publish the list of all the officers in this Department and the amount of their salaries ?

(*c*) Will the Government be pleased to publish the costs incurred by the Government of India for carrying on the work of publicity during the years 1922-23, 1923-24 and the year 1924 to the end of July ?

Mr. H. Tonkinson: (*a*) No.

(*b*) The names of the two officers of the Bureau of Public Information, with their salaries, are given below :

	Rs.
Professor L. F. Rushbrook-Williams, C.B.E., Director	2,000—50—2,250
Mr. R. S. Bajpai, O.B.E., Assistant Director	1,200—50—1,400

(*c*) The actual cost incurred by the Government of India on the Bureau of Public Information which carries on publicity on All-India subjects has been approximately as follows :

	Rs.
1922-23	1,48,320
1923-24	1,07,369
1924-25 up to the end of July	49,292

These figures do not include cost of printing† which is not met from the Director's budget and is not readily available.

Diwan Bahadur T. Rangachariar : May I ask what has happened to the proposal made by the Publicity Board that Indian graduates should be trained in this publicity work ?

Mr. H. Tonkinson : I must ask for notice of that question, Sir.

Professor L. F. Rushbrook-Williams : I think I can answer that question, Sir, if you will allow me, and explain what has happened to the proposal. The proposal was made prior to the Retrenchment Committee's report, and as a consequence of the general reductions recommended by the Lord Inchcape's Committee, the very small budget of the Bureau of Public Information had to bear its share of the reductions made in the Home Department budget. Hence it was no longer found possible to give effect to the proposal. The Finance Department would not find the money.

Diwan Bahadur T. Rangachariar : Will the Finance Department be again approached in view of its extravagant resources now ?

The Honourable Sir Basil Blackett : If I may answer that question, Sir, if I am approached on the ground of extravagant funds, I shall have to say "No" at once.

PUBLICATION OF OFFICIAL CORRESPONDENCE REGARDING THE DEADLOCK IN THE CENTRAL PROVINCES.

2098. ***Mr. M. S. Aney** : Will the Governor General in Council be pleased to publish the correspondence regarding the situation in the Central Provinces created by the resignation of the Ministers and the refusal of supplies by the Council, between :

(*i*) Central Provinces Government and the Secretary of State,

(*ii*) Government of India and the Secretary of State,

(*iii*) Central Provinces Government and the Government of India ?

† Printing charges are met from the budget of the Controller of Printing, etc.

Mr. H. Tonkinson : Government are unable to accede to the request of the Honourable Member.

Mr. M. V. Abhyankar : Will Government be pleased to tell us what action the Government of India propose to take in view of the situation created in the Central Provinces ?

Mr. H. Tonkinson : No, Sir.

CONTRACT WITH MESSRS. A. H. WHEELER AND CO., FOR THE SALE OF NEWSPAPERS, BOOKS, ETC., ON THE NORTH WESTERN RAILWAY.

2099. ***Lala Duni Chand :** (*a*) Will Government please inform the House how much they get yearly for the monopoly granted to Messrs. A. H. Wheeler & Co., for sale of newspapers, books, etc., and advertisements, over the entire North Western Railway line ?

(*b*) Is it a fact that the contract in favour of Messrs. A. H. Wheeler & Co., is renewed every year for the same sum of money without inviting tenders for the same ?

(*c*) If the reply to part (*b*) be in the affirmative, will Government state reasons for renewing the contract every year in favour of Messrs. A. H. Wheeler & Co., and not inviting tenders for the same ?

(*d*) Are Government aware that several persons are prepared to pay them four or five times the amount that the present contractors are paying in case the contract is thrown open to competition ?

(*e*) Will Government be pleased to give the figures of yearly income of similar contracts in case of all other State-owned Railway Lines ?

Mr. C. D. M. Hindley : (*a*), (*b*) and (*c*). Government are aware that for several years past Messrs. A. H. Wheeler & Co., have held the contract referred to on the North-Western Railway. The contract is within the competence of the Agent of the Railway and Government have no information as to his reasons for renewing it yearly with Messrs. A. H. Wheeler & Co.

(*d*) No.

It is open to anyone, who wishes, to tender to the Agent, North Western Railway, for the contract.

(*e*) The yearly income on State-worked lines takes the form of a percentage on sales. Government are not in a position to give information in regard to Company-worked lines.

Lala Duni Chand : Is it a fact that Messrs. Wheeler & Co. refuse to take on their stalls nationalist papers ?

Mr. C. D. M. Hindley : I do not know, Sir.

Lala Duni Chand : Will the Government kindly make inquiries as to that ?

Mr. C. D. M. Hindley : I can make inquiries, but I do not think the matter is of general public interest. Undoubtedly a firm like Wheeler & Co. will sell the papers that they get a sale for. I do not imagine that they will exclude any papers for which there is a sale. At the same time, I will make inquiries on the specific question put to me.

Lala Duni Chand : Is it not a fact that a very large number of t travelling public is interested in reading nationalist papers ?

REMOVAL OF POLITICAL PRISONERS FROM THE ANDAMANS TO INDIAN JAILS.

2100. *Sardar Gulab Singh: Will the Government be pleased to state:

(a) If there are any political prisoners still kept in the Andamans?

(b) If so, how many?

(c) Do Government contemplate removing them to India at an early date?

(d) If not, why not?

Mr. H. Tonkinson: (a) and (b). Four prisoners convicted of offences connected with political movements are still confined in the Andamans.

(c) Government are trying to arrange for their accommodation in Indian jails.

(d) Does not arise.

Diwan Bahadur T. Rangachariar: When is Government going to abandon the Andamans as a place of confinement?

Mr. H. Tonkinson: That question, Sir, does not arise, I think, on this question.

Diwan Bahadur T. Rangachariar: I dare say the Honourable Member is aware that it was resolved upon two years ago.

Mr. H. Tonkinson: I am quite aware of that, Sir.

CONTRACT WITH MESSRS. CLEMENTS, ROBSON AND COMPANY FOR THE SUPPLY OF GRAIN TO MILITARY STATIONS IN THE PUNJAB.

2101. *Sardar Gulab Singh: (a) Is it a fact that the Government have entered into a contract with a certain firm called Clements and Robson for the supply of grain, flour and bran, etc., to military stations in the Punjab?

(b) If so, will the Government please lay on the table or state the terms of the contract and the duration for which the contract has been entered into?

(c) Is it a fact that the contract entered into will last for three years?

(d) What were the considerations which induced Government to adopt this new system of grain supply?

Mr. E. Burdon: (a) Messrs. Clements, Robson and Company have been appointed buying agents for the supply of grain only.

(b) The attention of the Honourable Member is invited to the reply given in the Council of State on the 18th of March last to part (a) of question No. 143, and also to the reply given on the 2nd June 1924 in this Assembly to starred question No. 1143.

(c) Yes.

(d) Efficiency and economy.

SUPPLY OF WHEAT PRODUCTS REQUIRED FOR MILITARY PURPOSES.

2102. *Sardar Gulab Singh: (a) Have the Government received any offers from firms in the Punjab or outside, who would be prepared to supply flour, bran, etc., of the quality needed at a rate of one rupee

(Re. 1) per maund less than the rate at which Government are getting these at present ?

(*b*) If so is there anything besides the merits of the proposal itself which would stand in the way of Government entertaining it ?

(*c*) Are the Government aware that buying at such reduced prices will approximately lead to a saving of rupees four lacs per annum to the Government ?

Mr. E. Burdon : (*a*) A certain mill in Rawalpindi offered to supply wheat products at a rate of Re. 1 per 100 lbs. (and not Re. 1 per maund) less than the price that the wheat products cost Government, but though the mill was asked to submit definite quotations and samples it has not yet done so. I may mention, Sir, that the mill did not know what these products cost them.

(*b*) Apart from the vagueness of its terms there is a further and insuperable objection to entertaining the offer in question. Government have taken under their control for definite periods a few flour mills for the purpose of manufacturing, from Government wheat, products required for military purposes, and the contracts made with these mills cannot be terminated before the expiry of the stipulated periods.

(*c*) In view of the fact that, as stated under (*a*), no definite offer has been made, Government are not in a position to say whether the saving envisaged by the Honourable Member could in actual fact be secured.

PURCHASE OF WHEAT PRODUCTS REQUIRED IN MILITARY CENTRES IN BALUCHISTAN.

2103. ***Sardar Gulab Singh :** (*a*) Is it a fact that wheat, flour, bran, etc., are supplied to military centres in Baluchistan from Shikarpore and such distant centres ?

(*b*) Are the Government aware that wheat is invariably cheaper by Re. 1 to Rs. 2 per maund in Baluchistan than in places like Shikarpore ?

(*c*) What objection have the Government to purchasing these commodities in Baluchistan ?

Mr. E. Burdon : (*a*) Yes.

(*b*) No. Government are informed that the fact is the reverse.

(*c*) None, provided the price, quality and other conditions are favourable.

SYSTEM OF CENTRALISED CRUSHING OF BARLEY AND GRAM REQUIRED FOR MILITARY PURPOSES.

2104. ***Sardar Gulab Singh :** (*a*) Will the Government please state if it is a fact that according to the present arrangement barley which is produced abundantly in districts of Mardan, Peshawar, etc., in the N. W. F. Province is sent to Lahore and other far districts for crushing and supplied to districts like Rawalpindi, etc., for consumption when the latter are a hundred or more miles nearer the centres of production ?

(*b*) Is it also a fact that gram which is produced abundantly at stations on the Kundian-Kohat Railway and in the district of Bannu is sent to centres like Lahore, etc., for crushing and supplied to military centres

like Peshawar, etc., which are more than a hundred miles nearer the centres of purchase and production ?

(*c*) What objection have the Government to making arrangements locally for crushing wherever feasible ?

Mr. E. Burdon : (*a*) and (*b*). The answers to these two parts of the question are in the negative.

(*c*) None, provided that the results are equally satisfactory and economical, a system of centralised crushing is at present in an experimental stage. The experiment has been started at Lahore. Grain is purchased for delivery at the Depôt at competitive rates and, after being crushed, is distributed to such stations as can be economically fed from the Depôt. The experiment having so far proved successful will shortly be extended to Peshawar and Lucknow, and after the system has been given this further trial its results will be carefully reviewed.

GRIEVANCES OF PASSENGERS ON THE EAST INDIAN RAILWAY.

2105. ***Khan Bahadur Sarfaraz Hussain Khan :** (*a*) Has the attention of Government been drawn to the letter published in the issue of the *Forward* of the 16th August, 1924, page 11, under the heading " Grievance against East Indian Railway " ?

(*b*) Is the statement made therein correct ?

(*c*) If correct, do Government intend to issue instructions to the authorities concerned to remove the inconveniences and difficulties complained of ?

Mr. C. D. M. Hindley : (*a*) Government have seen the letter referred to.

(*b*) and (*c*). The matters complained of are such as can suitably be brought to the notice of the Agent through his Local Advisory Committee.

REPORT OF THE INDIAN MERCANTILE MARINE COMMITTEE.

2106. *Khan Bahadur Sarfaraz Hussain Khan : Will the Government be pleased to state by what time they expect to consider the Report of the Indian Mercantile Marine Committee, 1923-24 ?

The Honourable Sir Charles Innes : The Report is being considered now, but I rerget that I cannot say when Government will be in a position to announce their conclusions.

Khan Bahadur Sarfaraz Hussain Khan : Can they give any idea ?

The Honourable Sir Charles Innes : I have already said that I could not.

GRIEVANCES OF ASSISTANT STATION MASTERS ON THE METRE GAUGE SECTION OF THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

2107. ***Mr. C. Duraiswami Aiyangar :** (*a*) Has the attention of Government been drawn to an article published in the *Swarajya* of the 15th August 1924 under the heading " Grievances of Assistant Station Masters " ?

(*b*) Is it a fact that the assistant station masters in the metre gauge section of the Madras and Southern Mahratta Railway Co., Ltd., are asked to work every night continuously ?

(*c*) Does the same practice obtain on all railways ?

(*d*) Do the Government intend to put an end to that practice ?

Mr. C. D. M. Hindley : (*a*) Government have seen the article referred to.

(*b*) In stations where the train service is heavy, there are two assistant station masters, and these assistant station masters undertake night duty week and week about. In stations, where the train service is light, the assistant station master takes the night duty. But their duties during the night are intermittent and far less onerous than would be the case if they were employed on day duty for shorter hours.

(*c*) Government have no detailed information, but they understand that the system of dividing working hours between the station masters and assistant station masters is more or less uniform on railways in India.

(*d*) Government do not propose to take any action.

PROFIT AND LOSS STATEMENT OF THE WIRELESS BRANCH OF THE POST OFFICE FOR THE LAST THREE YEARS.

2108. ***Pandit Shamlal Nehru** : Will Government be pleased to furnish this House with a Profit and Loss Statement of the Wireless Branch of the Post Office for the last three years ?

The Honourable Mr. A. C. Chatterjee : It is not possible to furnish such a statement as the messages transmitted by wireless form part of the general telegraph traffic which is booked at telegraph offices.

INDIANS IN THE SUPERIOR STAFF OF THE WIRELESS BRANCH.

2109. ***Pandit Shamlal Nehru** : Will Government be pleased to state the number of Indians employed in the Superior Staff of the Wireless Branch ?

The Honourable Mr. A. C. Chatterjee : There are no Indians in the Superior Staff of the Wireless Branch at present. There is a vacancy for an Assistant Divisional Engineer which Government desire to fill by appointing an Indian gentleman with suitable qualifications and an advertisement to this effect has recently been published.

PURCHASE OF APPARATUS FOR THE WIRELESS BRANCHES OF THE DEPARTMENT OF POSTS AND TELEGRAPHS.

2110. ***Pandit Shamlal Nehru** : Will Government be pleased to state the name of the firm from whom Wireless apparatus are bought ?

The Honourable Mr. A. C. Chatterjee : Apparatus required for the Wireless Branch of the Department of Posts and Telegraphs is purchased in India and the United Kingdom from a number of manufacturers according to the particular apparatus required, in the same manner as stores required for any other branch of the Department.

GRANT OF LICENSE TO INDIAN FIRM FOR THE WORKING OF THE INTERNATIONAL WIRELESS.

2111. *Pandit Shamlal Nehru : (*a*) Is it a fact that a license will soon be granted to an Indian Company for the working of the International Wireless ?

(*b*) If so will Government be pleased to state if it is a fact that the management of the affairs of the Company will be handed over to a British Company who will employ their staff for the construction and the maintenance of the International Wireless System ?

The Honourable Mr. A. C. Chatterjee : (*a*) A tender has been received from an Indian Company, but Government have not yet passed orders.

(*b*) The terms of the tender which was published some months ago, provide not only for the employment of Indian capital but for the provision of Indian management (*i.e.*, by a Board resident in India) and the employment of Indian personnel.

CRITICISM OF THE POLICY OF GOVERNMENT BY THE DIRECTOR OF WIRELESS IN AN INFORMAL DISCUSSION WITH THE RADIO CLUB OF BOMBAY.

2112. *Pandit Shamlal Nehru : Has the attention of Government been drawn to the lecture delivered by the Director of Wireless in Bombay in which he criticised the policy of Government and also the administration of the Department ? If so, will Government be pleased to state if it is proposed to take any action against that officer ?

The Honourable Mr. A. C. Chatterjee : The answer to the first part of the question is in the affirmative. The account in the newspapers was not however a verbatim report of what the Director of Wireless said. I would explain that his remarks were not given in a lecture but in an informal discussion with the Radio Club of Bombay. What he said was that Government had been able to do little as regards commercial wireless development in India as expenditure had to be cut down to an absolute minimum.

With respect to the second part, instructions have been given to the officer concerned to refrain from discussing the policy of Government or the Department in a public or quasi-public gathering.

REDUCTION OF FIRST AND SECOND CLASS FARES ON THE GREAT INDIAN PENINSULA RAILWAY.

2113. *Mr. N. M. Joshi : Will Government be pleased to state whether it is a fact that the Agent of the G. I. P. Railway Company has decided to reduce with effect from the 1st October 1924 the first and second class fares ? If so, did he consider the advisability of reducing the intermediate and third class fares ? If so, has he decided to reduce these fares also ? If so, from what date ? If not, why not ?

Mr. C. D. M. Hindley : The answer to the first part is in the affirmative. The Government have no doubt that the question of reducing intermediate and third class fares was also considered by the Agent, but that he decided that it was not necessary also to reduce these fares. During

1923-24 there was a decrease in the number of passengers carried compared with the previous year. This decrease was particularly heavy in first and second class passengers, and the Agent, no doubt, arrived at the conclusion that the fares were heavier than the traffic could bear. There was a decrease also in the third class passengers, but receipts from that class of passengers increased by Rs. 6½ lakhs over the figures of the previous years.

Dr. K. G. Lohokare : Will the Government consider the advisability of introducing the return tickets system which prevailed in 1913 for third class passengers ?

Mr. C. D. M. Hindley : I do not think this question arises out of the question which has just been answered.

Dr. K. G. Lohokare : Since the reduction of third class fares is not found desirable, are the Government prepared to consider the advisability of introducing at least the return tickets system for these third class passengers ?

Mr. C. D. M. Hindley : Sir, I cannot at the moment give the reference to the answer which has already been given on an exactly similar question. Perhaps the Honourable Member will find it in the records of the House.

PAY OF CLERKS IN THE BOMBAY CURRENCY OFFICE.

2114. ***Mr. N. M. Joshi :** Will Government be pleased to state whether it is a fact, and if so, whether they are aware of it, that in spite of the last two or three revisions in the scales of pay in the Bombay Currency Office, there are cases of clerks who at present draw only between Rs. 80 to 100 after 10 to 18 years' service ? If so, do they propose to reconsider their case and apply the new scale to them with retrospective effect from 1st June 1924 ?

The Honourable Sir Basil Blackett : The answer to the first part of the question is in the affirmative.

The new scale was applied with retrospective effect from 1st June 1924 and each man was started on the new scale at the stage next above his pay on that date on the old scale, and not on the basis of length of service. The latter method has not been applied to other similar offices in connection with recent revisions of pay and the Government of India see no reason to make an exception in the case of the Bombay Currency Office.

SCALES OF PAY IN THE ACCOUNTS OFFICE AND THE CURRENCY OFFICE, BOMBAY.

2115. ***Mr. N. M. Joshi :** (*a*) Will Government be pleased to state whether it is a fact, and if so, whether they are aware of it, that before the year 1909 the scales of pay in the Bombay Accounts Office and the Bombay Currency Office were the same and that after that year the scale in the former office became more liberal than the latter ? If so, why was this differentiation made and on what ground ?

(*b*) Will Government be further pleased to state whether they intend to remove this differentiation and equalise, as before, the scales of pay in the two offices ?

The Honourable Sir Basil Blackett : The scales in the Accountant General's and the Currency offices differed materially prior to 1909. The rest of the question does not arise.

INTRODUCTION OF THE PROVIDENT FUND SYSTEM IN THE CURRENCY OFFICE.

2116. ***Mr. N. M. Joshi** : (*a*) Will Government be pleased to state whether the Provident Fund System is introduced in the Currency Office ? If so, is it similar to the one adopted by the Railway Companies and other incorporated bodies ?

(*b*) Will they be further pleased to state whether the staff of the Bombay, Calcutta and Madras Currency Offices have sent any representations to Government requesting them to improve the system and forwarding certain modifications they desire to be introduced ? If so, have they been considered and with what result ?

The Honourable Sir Basil Blackett : (*a*) The ordinary pension system is not suitable in the case of employés in the Treasurer's Departments in Currency offices owing to the circumstances arising out of the responsibility of Treasurers for the valuables handled in the course of the daily transactions. The following scheme is accordingly in force in these departments :

(1) Subscriptions to the General Provident Fund are compulsory, these being returned to the employés on retirement with the usual addition for interest.

(2) Each employé is required to insure with an insurance company approved by the Controller of the Currency against any loss up to the amount of the security fixed for the appointment which he holds.

(3) On the retirement of the employé a bonus, calculated at the rate of one-twelfth of the monthly substantive pay of the posts held by him throughout his service is granted, and, in addition, such portion of the amount of the premia paid by him as is not refunded by the Insurance Company is reimbursed to him. This bonus is granted on the same conditions as govern the grant of pensions.

The above scheme is different from the provident system which obtains in Railway companies and other bodies.

(*b*) Representations were received regarding the scheme, but it was considered that it was suited to the circumstances of the case and sufficiently liberal, and that no change was required.

SCALE OF FURNITURE SUPPLIED TO MEMBERS OF THE LEGISLATURE OCCUPYING QUARTERS ON THE CART ROAD, SIMLA.

2117. ***Mr. N. M. Joshi**: (*a*) Will Government be pleased to state whether they are aware that the furniture supplied to the Members on the Cart Road is much less than what used to be supplied to them formerly and have they received complaints that it is inadequate and insufficient ? If so, have they so far taken any steps to remove this inconvenience of the Members ? If not, why not ?

(*b*) Will they be further pleased to state whether they made any inquiries about the inadequacy and insufficiency of the furniture supplied after the special sessions of the Indian Legislature in May last ?

If so, whom did they inquire of and what was the decision to which the Government came ? Will they be pleased to state whether they consulted any of the Members of the Legislature who generally stay there ? If not, why not ?

(*c*) Are Government prepared to take immediate steps to remove this complaint of the Members and supply them with adequate furniture with due regard to their requirements ? If not, why not ?

The Honourable Mr. A. C. Chatterjee : Sir, the answer to this question is rather long and tedious. I would, therefore, lay it on the table if the Honourable Member has no objection.

(The answer was laid on the table.)

(*a*) The quarters on the Cart Road are furnished in accordance with a fixed scale which is considered suitable for single quarters. In addition to this, the local P. W. D. authorities keep a small stock of furniture which is available for hire to Members who wish to supplement the fixed scale. Ever since the quarters were constructed, the fixed scale of furniture for each set of quarters has been the same. The amount of furniture available for hire, however, varies from time to time according to demands. A complaint was recently received from the Honourable Member himself and has been replied to.

(*b*) Inquiries were made as a result of which Government are satisfied that the scale of furniture is adequate provided that the quarters are used in the way in which it is intended that they should be used, *viz.*, as single quarters. Any complaints which have been received regarding the insufficiency of furniture have come from Members who have wished to accommodate other persons in the quarters and not use them as single quarters. In view of what is stated in reply to part (*c*) of this question Government did not consider it necessary to consult Members of the Legislature.

(*c*) Government are not prepared to increase the fixed scale of furniture. What is now supplied compares in their opinion favourably with what is given in hotels. Moreover Government have no desire to encourage Members occupying single quarters to find accommodation in these quarters for others, a practice which would tend to interfere unduly with the legitimate trade of the local hotels.

REPRESENTATION OF THE LOCAL PASSENGER AND TRAFFIC RELIEF ASSOCIATION ON THE ADVISORY BOARD OF THE NORTH WESTERN RAILWAY.

2118. **Mr. Harchandrai Vishindas :** (*a*) Are Government aware of the representation made to the Agent, North Western Railway, Lahore, pursuant to a resolution passed at a public meeting held in Karachi on the 24th November last, to enrol a representative of the local Passenger and Traffic Relief Association on the Railway Advisory Board and that in spite of reiterated reminders no reply of any kind has been vouchsafed ?

(*b*) Are Government aware that this Association has rendered valuable service by ventilating the grievances, the discomforts and the needs of the travelling public ?

(*c*) Are Government aware that the B., B. and C. I. Railway have decided to include this Association on their Advisory Board ?

(*d*) If so, are Government prepared to consider the utility and desirability of conceding to the Association the same right on the North Western Railway ?

Mr. C. D. M. Hindley : (*a*) Government are aware that this question was considered at a meeting of the Karachi Advisory Committee of the North Western Railway. Action, however, was deferred, until the Agent had received a reply to a letter he had addressed to the President of the Association asking for certain information.

(*b*) Government are aware that many Associations of this kind render useful service in the direction indicated by the Honourable Member.

(*c*) No, but Government are aware that the representative of the Bombay Municipality on the Bombay, Baroda and Central India Railway Advisory Committee is also Secretary of the Passenger Association, Bombay.

(*d*) The Honourable Member is referred to the reply given in this Assembly on 3rd September, 1924, to item (*e*) of Mr. Bhubanananda Das's question No. 1619, but they will inquire from the Agent what further action has been taken in the matter.

COLLECTION OF SUBSCRIPTIONS FOR THE NORTH WESTERN RAILWAY UNION BY THE RAILWAY AUTHORITIES.

2119. ***Mr. Harchandrai Vishindas** : Will Government be pleased to state :

(*a*) If it is a fact that for some time subscriptions for the North Western Railway Union were collected by the railway authorities by deducting the same from the salary bills of the railway servants who were members of that Union ?

(*b*) If so, how long did this practice last and when was it discontinued ?

(*c*) Whether the Government have been approached by the Union for its revival ?

(*d*) If so, whether Government propose to accede to this request ?

Mr. C. D. M. Hindley : (*a*) Yes.

(*b*) For one year. It was discontinued in 1922.

(*c*) and (*d*). No.

GRANT OF COMPENSATORY ALLOWANCES TO EMPLOYEES OF THE NORTH WESTERN RAILWAY STATIONED AT KARACHI.

2120. ***Mr. Harchandrai Vishindas** : Will Government be pleased to state what recommendation, if any, has been made by the Agent, North Western Railway, for the grant of compensatory allowance to employees stationed at Karachi ?

Mr. C. D. M. Hindley : The matter referred to by the Honourable Member is at present under the consideration of Government who are not prepared to make any statement as regards the recommendations which may have been made to them.

TERMS OF AGREEMENT FOR ALL CLASSES OF STAFF OF THE NORTH WESTERN RAILWAY.

2121. ***Mr. Harchandrai Vishindas** : Will Government be pleased to state the terms of agreement the following classes of servants on the North

Western Railway are required to accept before appointment to the various grades ?

(*a*) Officers, (*b*) Superior subordinate staff, (*c*) Menial staff, (*d*) Workmen.

Mr. C. D. M. Hindley : (*a*), (*b*), (*c*) and (*d*). There are necessarily different forms and terms of agreement for different classes of staff, and a comprehensive reply would be very voluminous. If the Honourable Member will specify the particular points in regard to which he requires information it will be sent to him.

INADEQUACY OF QUARTERS FOR THE MENIAL STAFF OF THE NORTH WESTERN RAILWAY.

2122. ***Mr. Harchandrai Vishindas**: (*a*) Will Government be pleased to state standard dimensions of quarters allotted to the various classes of employees on the North Western Railway both Indian and European ?

(*b*) Are Government aware that the accommodation in quarters intended for the menial staff is entirely inadequate to the ordinary creature comforts of this class ; there being absolutely no kitchen accommodation and the bathrooms and latrines being so situate as to deprive the womenfolk of the necessary privacy ?

Mr. C. D. M. Hindley : (*a*) A statement giving the standard dimensions of quarters allotted to the various classes of employees on the North Western Railway, both Indian and European, is laid on the table.

(*b*) The North Western Railway type of quarters for menials, provides one room, a verandah and a courtyard. Kitchen accommodation is provided on one side of the verandah. These quarters are usually built in blocks of several units and have no latrines or bath rooms attached to them. They are served by communal latrines and water taps or wells close by.

Government consider these arrangements to be sufficient.

Serial No.	Designation of occupant.	Dimensions.	Remarks.
1	Quarters for Indian Subordinate Technical staff, workmen and labourers, *i.e.*, Chaprasies, Khalasies, Gangmen, etc.	1 Room .. 10′ × 10′ .. Verandah .. 11′ × 4′ Court yard .. 135 s. ft. Plinth .. 29′ × 11′ 10½″	Also includes Kitchen.
2	Junior Indian Subordinates Quarters, *i.e.* Drivers, Guards, Carriage Examiners, Clerks and Signallers.	1 Room .. 15′ × 12′. 1 Bath room 7′ × 5′. 1 Kitchen .. 7′ × 4′ 9¾″. 1 Latrine .. 5′ × 5′. Verandah .. 15′ 6¾″ × 7′ 7″ Court Yard .. 300 s. ft. Plinth .. 46′ 9″ × 17′ 3″. 6′ 6″ × 5′ 9″.	

Serial No.	Designation of occupant.	Dimensions.		Remarks.
3	Indian Subordinates Quarters, *i.e.* Assistant Station Masters, Junior Station Masters, Inspector of Works and Sub-Way Inspectors.	2 Rooms	1 × 15′ × 12′. 1 15′×10′.	
		1 Bath room	7′ × 5′	
		1 Kitchen	7′ × 4′ 9¾″.	
		1 Latrine	5′ × 5′.	
		Verandah	15′ × 6¾″ 8′ 7″.	
		Court yard	300 s. ft.	
		Plinth	59′ 9″ × 17′ 3″. 6′ 6″ × 5′ 9″.	
4	Senior Indian Subordinates Quarters, *i.e.*, Senior Station Masters 1st and 2nd Class Stations.	2 Rooms	14′ × 12′ each.	
		1 Sitting room	10′ × 8′.	
		1 Bath room	5′ × 5′.	
		1 Kitchen	8′ × 8.′	
		1 Godown	8′ × 5½′.	
		1 Latrine	5′ × 5′.	
		Verandah	20′ 2½″ × 8′ 1½″. 8′ × 4′.	
		Court yard	300 s. ft.	
		Plinth	30′ 9¾″ × 40′7 ″. 6′ 6″ × 5′ 9″.	
5	Junior European and Anglo-Indian Guards, Drivers, firemen and shedmen's (Bachelors) Quarters.	1 Room	16′×16′	
		1 Bath Room	8′×8′.	
		1 Godown	14′×8′.	
		Verandah	240 s. ft.	
		Plinth	22′ 1¼″×37′ 3″.	
6	European and Anglo-Indian Guards and Drivers' (Married) Quarters	2 Bed rooms	16′×14′ each.	
		1 Dining room	16′×16′.	
		2 Bath rooms	13′×8′.	
		2 Godowns	8′×8′.	
		Verandah	470 s. ft.	
		Plinth	67′ 6″×27′ 2½″.	
7	European and Anglo-Indian Guards and Drivers' (Bachelors) Quarters.	2 Rooms	16′×16′ each.	
		2 Bath rooms	8′×8′.	
		Verandah	136 s. ft.	
		Plinth	54′ 4½″×17′ 3½″.	
8	European and Anglo-Indian Platform Inspectors' Quarters.	2 Rooms	16′×14′ each.	
		1 Sitting room	16′×16′.	
		2 Bath rooms	9′×8′ each.	
		Verandah	711 s. ft.	
		Plinth	48′ 3″×37′ 3″.	
9	European and Anglo-Indian Senior Permanent way Inspectors and Loco. Foremen's quarters.	2 Bed rooms	16′×14′ each.	
		1 Sitting room	16′×16′.	
		1 Dining room	16′×16′.	
		1 Pantry	9′×8′.	
		2 Bath rooms	10′×9′ each.	
		1 Godown	9′×8′.	
		Verandah	630 s. ft.	
		Plinth	54′ 4½″×45′ 3″. 37′ 1½″×8′ 1½″.	

Serial No.	Designation of occupant.	Dimensions.	Remarks.
10	Quarters for Senior most Guards, Drivers, etc. (European and Anglo-Indians).	2 Bed rooms { 1 16′×14′. 1 16′×16′. 1 Sitting room 16′×16′. 1 Dining room 16′×16′. 1 Pantry .. 10′×8′. 2 Bath rooms { 10′×8′. 9′ 4½″×8′. 2 Godowns .. 7′ 4½″×6″. Verandah .. 276 s. ft. Plinth .. 35′ 2¼″×54′ 4¼″.	
11	European and Anglo-Indian Seni or Subordinates Quarters.	3 Bed rooms { 1 16′×17′ 6″. 2 13′×16′ 6¼″. 1 Sitting room 16′×16′. 1 Dining room 16′×16′. 1 Pantry .. 9′×8′. 3 Bath rooms { 2 10′×7′ 5¼″. 1 10′×8′. 2 Godowns .. { 10′×8′. 9′×8′. Verandah .. 725 s. ft. Plinth .. 54′ 4½″×53′ 4½″.	
12	*Intermediate type* for Europeans and Anglo-Indians.	3 Bed rooms { 2 16′×13′. 1 16′×17′ 6″. 1 Sitting and Dining room. 16′×26′. 1 Pantry .. 8′×8′. 3 Bath rooms { 2 10′×7′ 9¾″. 1 10′×8′ 5¼″. 2 Godowns .. { 1 10′×7′ 2¼″. 1 8′×8′. Verandah .. 667 s. ft. Plinth .. { 47′ 3″×26′ 3″. 51′×27′ 1½″.	
13	Servants' Quarters (out houses).	1 Room .. 10′×8′ Court yard .. 10′×8′. Kitchen .. 12′×12′. Verandah .. 12′ 9″×9′.	Attached to above.

HOURS OF WORK, ETC., OF THE STAFF OF THE NORTH WESTERN RAILWAY.

2123. **Mr. Harchandrai Vishindas** : (*a*) Is it a fact that in certain places and certain branches of the North Western Railway the maximum of 60 working hours in the week agreed upon by the authorities is now being exceeded ?

(*b*) Will Government further state if owing to lack of sufficient relieving hands the staff is being subjected to severe restrictions in the matter of leave due to them though such leave is required for urgent private affairs ?

(*c*) Do Government propose to take steps to remedy the above state of affairs.

Mr. C. D. M. Hindley : (*a*) As the Honourable Member does not mention either the particular locality or staff to which he refers Government are not able to say whether there is ground for the statement made. It may, however, be explained that it has not been found possible to apply the limitations referred to in the case of staff directly engaged in the running of trains.

(*b*) and (*c*). Government have no information which would lead them to suppose that such is the case.

WEARING OF KHADDAR BY GOVERNMENT SERVANTS.

2124. ***Pandit Harkaran Nath Misra** : Will the Government be pleased to state :

(*a*) Its policy with regard to the wearing of Khaddar by Government servants.

(*b*) To state if any instructions have been issued to the Local Governments about the wearing of Khaddar by Government servants ?

The Honourable Sir Alexander Muddiman : (*a*) Government do not object to their servants wearing clothes composed of any material, provided that they are clothed in a manner suitable to the office they hold.

(*b*) No instructions to Local Governments have been issued in the matter.

RAILWAY OFFICES TO REMAIN AT LUCKNOW AFTER THE AMALGAMATION OF THE EAST INDIAN RAILWAY WITH THE O. & R. RAILWAY.

2125. ***Pandit Harkaran Nath Misra** : Will the Government be pleased to state what railway offices will remain at Lucknow after the amalgamation of the O. and R. R. with the E. I. R. ?

Mr. C. D. M. Hindley : The question is under the consideration of Government but the proposals are not sufficiently mature to enable definite information to be given on the subject.

Pandit Harkaran Nath Misra : Will the Government kindly give this information as soon as they are in a position to do so ?

Mr. C. D. M. Hindley : I think the Honourable Member might put down a question to that effect later on.

SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS.

2126. **Pandit Harkaran Nath Misra** : Will the Government be pleased to state what steps have been taken on the report of the Local

Government of the United Provinces of Agra and Oudh on the separation of the executive and judicial functions ?

The Honourable Sir Alexander Muddiman : The Honourable Member is referred to the answers given to Mr. Gaya Prasad Singh's unstarred questions Nos. 78—80 on the 11th February 1924 and to Maulvi Muhammad Yakub's starred question No. 939 on the 24th March 1924. No action has so far been taken. The final views of the Government of Madras which were being awaited have just been received and the schemes will now be considered by the Government of India.

BRITISH VICE-CONSUL AT DUZDAB.

2127. ***Sardar Kartar Singh** : (*a*) Will the Government be pleased to state if the British Vice-Consul at Duzdab is directly under the Government of India or under the control of the A. G. G., Baluchistan ?

(*b*) Do the appeals from the orders of the British Vice-Consul lie to the Government of India or to the A. G. G., Baluchistan ?

Mr. Denys Bray : (*a*) Under neither. As a Vice-Consul, he is subject, like all Consular Officers in Persia, to the authority of His Majesty's Minister at Tehran. He is also subject to the general supervision of His Majesty's Consul for Sistan and Kain as Supervising Consul.

(*b*) Appeals from judicial orders of the British Vice-Consul lie to the Court of the Political Resident in the Persian Gulf in his capacity as Sessions Judge.

RELEASE OF SIKH PRISONERS CONVICTED FOR WEARING *Kirpans*.

2128. ***Sardar Kartar Singh** : (*a*) Has the attention of the Government of India been drawn to an important judgment of the Lahore High Court (delivered by the Hon. Mr. Justice Scot Smith and the Hon. Mr. Justice Harrison) reported in the Indian Law Reports, 5, Lahore, page 308, in a case arising under the Arms Act, in which the Hon. Judges have held that the word '*Kirpan*' as used in Schedule II, 3 (6) of the Indian Arms Act, can only be understood and read as meaning a 'Sword' and therefore a Sikh possessing or wearing one sword commits no offence ?

(*b*) Are the Government aware that several Sikhs are even now undergoing imprisonment in the various jails throughout India for having been found in possession of a *Kirpan* or a sword ?

(*c*) In view of the above mentioned decision of the Lahore High Court do the Government propose to order the immediate release of all such Sikh prisoners ?

Mr. Tonkinson : (*a*) Yes.

(*b*) Government have no information in the matter.

(*c*) Does not arise.

Sardar Kartar Singh : Will Government be pleased to inquire whether any such persons are undergoing imprisonment nowadays ?

Mr. H. Tonkinson : I think that is a question to be addressed to the Local Government rather than to the Government of India.

Mr. Chaman Lall : Will Government consider the advisability of suggesting the release of the "Kirpan" prisoners in view of this judgment under which the original offence for which these men went to prison is declared to be no offence at all ?

Mr. H. Tonkinson : That is a question for the Local Government.

Mr. Chaman Lall : Does the Honourable Member wish the House to understand that the Government of India is not a humane Government ?

Mr. H. Tonkinson : No, Sir.

Mr. Chaman Lall : Or that it is not a just Government ?

Mr. H. Tonkinson : No, Sir.

Mr. Chaman Lall : Or that it is a foolish Government ?

FORMATION OF A COMMITTEE TO INQUIRE INTO SIKH GRIEVANCES.

2129. ***Sardar Kartar Singh** : (*a*) Will the Government be pleased to state, what action, if any, has so far been taken on the Resolution passed by the Legislative Assembly on 26th of February 1924, *re* the appointment of a Committee consisting of official and non-official members of the House to inquire into the causes of discontent prevailing among the Sikh community, and to report on what measures should be adopted to remove the same ? If not, why not ?

(*b*) Is it a fact that the formation of such a Committee has been under the contemplation of the Government of India ?

Mr. H. Tonkinson : The Honourable Member is referred to the answer given by the Honourable the Leader of this House to Sardar Gulab Singh's unstarred question No. 307.

Mr. Chaman Lall : Are Government aware that a statement has been issued to the press in which it is alleged that Government did give a definite undertaking to inquire into the causes of discontent prevailing among the Sikh community, and that Government subsequently went back on that undertaking ?

Mr. H. Tonkinson : I must ask for notice of that question, Sir.

THE BIRDWOOD COMMITTEE.

2130. ***Sardar Kartar Singh** : (*a*) Was the announcement of the appointment of the Birdwood Committee by the Punjab Government made in consultation with or under the direction of the Government of India ? What was the personnel of that Committee and what were the terms of reference ?

(*b*) Was the Government of India informed from time to time as to the progress made by the Birdwood Committee in carrying out the terms of their reference ?

(*c*) Was any non-official elected Member of the Legislative Assembly appointed or requested to serve on the said Birdwood Committee, if not, why not ?

Mr. H. Tonkinson : I am not prepared to add to the statements made by the Government of the Punjab on the subject.

QUALIFICATIONS FOR THE MUNICIPAL FRANCHISE IN MAURITIUS.

2131. ***Mr. Gaya Prasad Singh** : (*a*) Has the attention of the Government been drawn to a communication headed " Indians in Mauritius " over the signature of Pandit Benarsi Dass Chaturvedi, and published in the *Servant* of the 16th January 1924 ?

(*b*) Is it a fact that Mr. Lutchmaya of Mauritius, was coming up to India, but he was forced to land at Zanzibar, and was kept confined in the Central Jail there for about a month, as a " lunatic " ?

If so how was he declared as a lunatic, and did any doctor examine him ? If so, will the Government be pleased to lay a copy of the doctor's certificate, if any, on the table ?

(*c*) Is it a fact that Mr. Lutchmaya had started a co-operative credit society in Mauritius ; but it had to be closed owing to the hostile attitude of the authorities who sided with the factory owners ?

(*d*) Is it a fact that a resolution has been passed in the municipal corporation at Port Louis that only those peoples should be allowed to vote, who have knowledge of English or French and that this resolution has been sent to Downing Street for final sanction ?

(*e*) Is it a fact that most Indians in the island know only the Indian vernaculars *Bhasha* (Hindi, Tamil and Telugu) ?

Mr. J. W. Bhore : (*a*) The reply is in the affirmative.

(*b*) No. Mr. Lutchmaya *en route* Durban to India irregularly landed at Zanzibar. He was discovered to be insane by the Zanzibar authorities and was detained by them in an asylum. This action was taken on the strength of a certificate evidently issued by a doctor, but the Government of India regret that they have no copy of the document.

(*c*) The information desired by the Honourable Member is not available.

(*d*) and (*e*). The matter will be investigated and the result communicated to the Honourable Member in due course.

Alleged Malpractices of Labour Recruiters.

2132. ***Mr. Gaya Prasad Singh :** (*a*) With reference to my starred question No. 1379 of the 9th June 1924 regarding an article which appeared in the " Servant " of the 25th October 1923, will the Government be pleased to make a statement regarding the occurrence mentioned in the said paper ?

(*b*) Is it a fact that a Brahman boy named Chotay Lall was enlisted as a recruit under false pretexts, and was kept in confinement against his will in October 1923 at Benares ; but he was subsequently released at the intervention of Dr. Mani Lal, Bar.-at-Law ?

(*c*) Is it a fact that a complaint was lodged on behalf of the boy Chotay Lall at Chetgunj Police Station in Benares, but no action was taken by the police in the matter ?

Mr. J. W. Bhore : Inquiries are being made and the result will be communicated to the Honourable Member in due course

Report of the Fiji Deputation.

2133. ***Mr. Gaya Prasad Singh :** (*a*) Has the attention of the Government been drawn to a letter published in the " Forward " of the 12th June 1924 over the signature of Pandit Benarsi Dass Chaturvedi on the subject of the Fiji deputation ?

(*b*) What is the date on which the report of the Indian deputation to Fiji was submitted ?

(*c*) When do the Government intend to publish the report ?

(*d*) Is it a fact that the Colonial Office has taken strong objections to certain views expressed in the report ?

(*e*) Will the Government be pleased to lay on the table communications on the subject which may have passed between the Colonial Office and the Government of India ?

Mr. J. W. Bhore : (*a*) The reply is in the affirmative.

(*b*) In September 1922.

(*c*) The question of publication is still under consideration.

(*d*) and (*e*). In view of the answer given to part (*c*) of the question I hope that the Honourable Member will not press for an answer.

RECRUITMENT OF LABOUR FOR THE TEA GARDENS IN ASSAM.

2134. ***Mr. Gaya Prasad Singh :** (*a*) Will the Government be pleased to lay on the table a copy of the rules, if any, under which recruitment of labour for employment in the tea garden of Assam is conducted ?

(*b*) How many depots have they got in India, and at what places ?

The Honourable Mr. A. C. Chatterjee : (*a*) The provisions relating to the recruitment of labour for the Assam Tea Gardens are contained in the Assam Labour and Emigration Act, 1901, as subsequently amended and subject to modifications contained in notifications. The only form of recruitment now permitted is by garden-sardars duly accredited to licensed local Agents. No rules have been issued by the Government of India in this connection, but a number of rules have been published by the local Governments.

(*b*) Government maintain no depots for recruitment. Officers for the protection of emigrants are stationed at Calcutta, Goalundo, Naihati, Asansol and Kharagpur in Bengal, and at Dhubri, Gauhati, Tezpur and Dibrugarh in Assam.

PURCHASE OF GOVERNMENT STORES FROM THE UNITED KINGDOM.

2135. ***Mr. K. C. Neogy :** (*a*) Has the attention of Government been drawn to an article by Mr. Harold Cox reprinted in the *Statesman* of the 12th August 1924 on the topic of British trade with India ?

(*b*) Will Government be pleased to state whether the figure of £8,600,000 a year as against £7,000,000 before the war mentioned by Mr. Harold Cox as the purchases by India from the United Kingdom includes orders for Government stores for Government and public bodies as well as for plant, equipment and other items on capital account ?

(*c*) Will Government be pleased to lay on the table a statement of the value of the orders placed in the United Kingdom for stores for Government and public bodies including railways as well as for plant, etc., on capital account for the last five years ?

(*d*) Will Government be pleased to state the amount of purchases of supplies during the last year for which complete accounts are available ?

(*e*) Will Government be pleased to state whether the Army Department has got any inspection officers with expert knowledge of items to be purchased ?

(*f*) Will Government be pleased to lay on the table any order, circular or correspondence on the subject of purchase of stores in India and from the Stores Department by (*a*) State-worked and (*b*) State-owned Railways ?

(*g*) When do Government expect action to be taken on the matter of stores policy and with regard to the passing of all indents through the Indian Stores Department, so far as the purchases for railways are concerned ?

(*h*) Will Government be pleased to state what facilities have individual officers for purchases for railways for inspection, testing or special knowledge of the articles which they are asked to purchase ?

The Honourable Mr. A. C. Chatterjee : (*a*) Government have seen the article referred to.

(*b*) The figures mentioned by Mr. Harold Cox in the article referred to are £86,000,000 and £70,000,000 and not £8,600,000 and £7,000,000, as stated by the Honourable Member. The figure £70,000,000 does not include the value of Government stores. The figure £86,000,000, which relates to the year 1923, probably does, but it is not possible to verify this as the Statement of the Trade of the United Kingdom for 1923, from which Mr. Harold Cox has apparently quoted, has not yet been received. The total imports of merchandise from the United Kingdom in 1923 including the value of Government stores works out to £87,000,000 at Rs. 15=£1.

(*c*) Information in the exact form required by the Honourable Member is not available, but his attention is invited to pages 73—76 of the Home Accounts of the Government of India for the year 1922-23, the latest available (a copy of which is in the Library) which gives a summary of payments made during that year for stores procured through the High Commissioner for shipment to India by the Central Government and the different provincial Governments. The Statement includes expenditure on stores not charged to revenue. Similar figures for previous years are given in the Home Accounts of each year, copies of which are not available in the Library but will be lent to the Honourable Member if he so desires.

(*d*) As already stated, information in the exact form required by the Honourable Member is not available. As regards value of stores obtained through the High Commissioner the Honourable Member's attention is again invited to the Home Accounts for the year 1922-23. The value of purchases made in India during that year by the Central Government including State Railways and the provincial Governments amounts to Rs. 11,28,65,000. As explained by me on the 4th February 1924, in reply to question No. 88 by Mr. Jinnah, these figures do not include the value of certain classes of purchases.

(*e*) The reply is in the affirmative.

(*f*) In their letter No. 1644-S., dated the 28th May 1924 the Railway Board addressed the State-worked railways, impressing on them the importance of carrying out the policy laid dawn in the new Stores Purchase Rules, a copy of which is available in the Library. The Railway Board also sent copies of the new rules to the Agents of Company-worked railways. The Board have no doubt that the policy of the Government of India will be given full effect to on those railways. In their letter No. 2574-S., dated the 18th August 1924, the Railway Board drew the

attention of the State-worked railways and also the East Indian and Great Indian Peninsula Railways to the desirability of making greater use of the Indian Stores Department in respect of the inspection and purchase of certain classes of stores. Copies of the communications referred to are laid on the table.

(*g*) Copies of all English indents are sent by State-worked railways to the Indian Stores Department, who advise the railways concerned regarding any articles included in their English indents which are manufactured in India and can suitably be purchased here. Company-worked railways, in accordance with the terms of their contracts with the Secretary of State for India in Council, make their own arrangements for the purchase of stores.

The action taken by the Railway Board, which will be clear from the letters addressed to Agents of State Railways, and to the Agents of the East Indian and Great Indian Peninsula Railways, dated the 18th of August 1924, to which I have just referred, will, the Government of India feel sure, lead to a considerable expansion of the practice of utilising the services of the Indian Stores Department for the purchase of railway stores.

(*h*) In a large number of cases the purchasing officer has all necessary facilities for inspecting and testing articles purchased in India for railways, and, where necessary or advisable, he is able to enlist the services of the Inspection Branch of the Indian Stores Department. Where special knowledge or experience is required, the purchasing officer can, and always does get the advice of the departmental officers who are concerned in the use of the article.

Letter from the Secretary, Railway Board, to the Agent, North Western, Oudh and Rohilkhand, and Eastern Bengal Railway; the Engineer-in-Chief, the Central Indian Coalfields Railway, Delhi (New Capital) Railway Works Scheme, and Najangud Tellicherry Railway, No. 1644-S., dated Simla, the 28th May 1924.

I am directed to forward for your information and careful observance a copy of the Government of India's Resolution No. S.-217, dated the 6th May 1924, in the Department of Industries and Labour with its enclosure, promulgating the rules which will henceforth regulate the purchase of stores for the public service. I am to impress upon you the importance which the Government of India attach to all officers under your control carrying out the policy laid down in the preamble to these rules. The Railway Board desire that not only shall these rules be strictly adhered to, but that all concerned shall be instructed loyally to observe the policy underlying them.

Letter from the Secretary, Railway Board, to the Agent, East Indian, Bengal Nagpur, Madras and Southern Mahratta, South Indian, Great Indian Peninsula, Bombay, Baroda and Central India, Bengal and North Western, Rohilkhand and Kumaon, Assam Bengal and Burma Railways, No. 1644-S., dated Simla, the 28th May 1924.

I am directed to forward a copy of the Government of India's Resolution No. S.-217, dated the 6th May 1924, in the Department of Industries and Labour, with its enclosures, promulgating the rules which will henceforth regulate the purchase of stores for the public service. I am to ask you to communicate a copy of the Resolution and the rules to your Home Board. The Railway Board feel confident that the Home Board will recognise that the policy laid down in these new rules has been deliberately adopted by the Government of India and that they will realise the necessity of seeing that this policy is given full effect to on your railway.

Letter from the Secretary, Railway Department (Railway Board), Simla, to the Agents, North Western, Oudh and Rohilkhand, and Eastern Bengal Railway, No. 2574-S., dated the 18th August 1924.

I am directed to invite your reference to my letter No. 1644-S., dated 28th May 1924, forwarding with remarks a copy of the Government of India's Resolution in the Department of Industries and Labour No. S.-217, dated 6th May 1924, and to say that the Railway Board have for some time past been considering how, without derogating from the responsibility of the Agents of railway administrations for the efficient and economical management of the railway systems in their charge, a greater use than at present can be made of the facilities which the Indian Stores Department are now in a position to offer for the inspection, test and purchase of railway stores. The actual facilities which the Indian Stores Department can now provide are summarised in the annexure to this letter.

2. I am to refer first to the question of purchase. The Indian Stores Department make at present a charge of one per cent. on the cost of articles purchased by them. But you will readily realise that a widespread organisation may, from their intimate acquaintance with a large range of markets, and the ability to place orders in bulk which their position as buying agents for many departments and Provincial Governments gives them, be in a position to obtain more favourable quotations, especially for certain classes of stores, than any individual railway can be, and that the resultant economy may more than offset, the commission now charged by the Stores Department, the amount of which may possibly be reconsidered in the near future. The Railway Board, therefore, wish you to make the fullest use of the Indian Stores Department as a purchasing agency in all cases in which you consider that their services can advantageously be utilised and in which purchase in India is permissible under the stores rules; and, while they leave the classes of stores to be purchased in this way entirely to your discretion and have no desire to limit them, they would suggest that indents might with special advantage be placed with the Indian Stores Department for such of the following articles as you may require :

Textiles.
Cement.
Leather.
Lubricating and other oils, and turpentine.
Ropes and cordage.
Chemicals (Acids and coal tar, etc.).
Hides.
Iron wire.
Cast iron piping specials and fittings.
Dogspikes and fish-bolts and nuts.
Creosote.
Bearing plate and charis.
Cast iron and steel sleepers.
Building roofs and steel structures usually purchased in India.
Points and crossings.

I am to explain in this connection that the Stores Department effect their purchases in accordance with strict specifications in every case in which the prescription of a specification is considered to be advisable. They are prepared to act on specifications drawn up by the railway administrations, and not to depart from them in any material respect without the concurrence of the latter; or, when there are no railway specifications, to draw up specifications themselves in consultation, if need be, with the railway administrations. Moreover, it is the established practice of the department to refrain from placing an order for stores in cases in which the amount of the most suitable tender appreciably exceeds the indentor's estimate of cost without the prior approval of the indentor.

The Railway Board understand that a representative of the Indian Stores Department proposes shortly to visit you in order to see in what directions the Stores Department can assist you, and also to ascertain the extent to which you are likely to place indents with that Department.

3. The Railway Board are aware that the facilities for inspection and test provided by the Indian Stores Department are to a considerable extent utilised by you, but they feel that still greater use might possibly be made of them, since it appears to them that in functions of this nature, a large central organisation should have many

advantages over a number of smaller organisations. It operates in a wider field, it can specialise to a greater extent in the distribution of its inspection work, and can concentrate and employ more up-to-date methods for the testing of materials. In any event, you will no doubt agree that all articles purchased by you through the Indian Stores Department should be inspected and tested by them.

Letter from the Secretary, Railway Department (Railway Board), Simla, to the Agent, East Indian Railway, Great Indian Peninsula Railway, No. 2574-S., dated the 18th August 1924.

I am directed to forward a copy of a letter No. 2574-S., dated 18th August 1924, which has been addressed to the Agents of State-managed railways, asking them to make use of the Indian Stores Department for the inspection, test and purchase of railway stores in all cases in which they consider that they can advantageously do so. I am to request that if you see no objection you will utilise the services of the Indian Stores Department in the same manner; and to say that the Railway Board understand that a representative of the department proposes shortly to visit you in order to see in what directions it can assist you, and also to ascertain the extent to which you are likely to place indents with the department.

WITHDRAWAL OF THE ONE-RUPEE NOTE FROM CIRCULATION.

2136. *Mr. K. C. Neogy: Will Government be pleased to state when they are going to withdraw the one-rupee note from circulation?

The Honourable Sir Basil Blackett: I would invite a reference to the Controller of the Currency's press communiqué, dated 26th August 1924, on the subject. The issue of the one-rupee notes will, in accordance with that communiqué, cease in the current month, but it is not proposed to take any special steps to withdraw from circulation those notes which remain outstanding.

IMPOSITION OF OFFSETTING DUTIES.

2137. ***Mr. K. C. Neogy:** (A) Will Government be pleased to state if any application has been made to Government for the imposition of offsetting duties as provided in the Indian Tariff Act to make up the difference between the market price and the standard price of Rs. 180 per ton fixed by the Tariff Board? (B) Will Government be pleased to state what action they have taken on this application? (C) Have Government any information as to the ruling market prices for various items scheduled in the Indian Tariff Act? If so, will they be pleased to lay on the table a statement indicating in each case the difference from the standard price fixed by the Tariff Board?

The Honourable Sir Charles Innes: (*a*) Yes.

(*b*) The Government are in communication with the applicants on the subject.

(*c*) A statement showing the latest information available was laid on the table in reply to Diwan Bahadur M. Ramachandra Rao's question No. 1852.

INTRODUCTION OF A REVISED FORM OF RAILWAY RISK NOTES.

2138. ***Mr. K. C. Neogy:** (A) Will Government be pleased to state whether they are aware of the dissatisfaction in the country with regard to the liability of railways for goods carried to the consignors even after the recent amendment in the Railway Risk Notes? (B) Will Government be pleased to state what action they propose to take thereon?

Mr. C. D. M. Hindley : (*a*) The reply is in the negative.

(*b*) The revised forms, as recommended by the Risk Notes Revision Committee and drawn up by Government's legal advisers, will be introduced on 1st October 1924. Until sufficient experience of the effect of the revised forms has been gained, Government do not propose to take any action.

ESTABLISHMENT OF A RATES TRIBUNAL.

2139. ***Mr. K. C. Neogy:** Will Government be pleased to state what progress has been made in the consideration of the question of the establishment of a Rates Tribunal recommended by the Acworth Committee ?

Mr. C. D. M. Hindley : Government have forwarded their proposals to the Secretary of State, whose reply is awaited.

MEMORANDA PRESENTED BY THE INDIAN COLONIES COMMITTEE TO HIS MAJESTY'S GOVERNMENT.

2140. ***Mr. K. C. Neogy :** Will Government be pleased to lay on the table a copy of the Memorandum presented by the Indian Colonies Committee to His Majesty's Government ?

Mr. J. W. Bhore : As the Honourable Member is aware the matters touched upon by the Colonies Committee are with the exception of the Immigration Ordinance still live issues and Government regret that they are unable to lay on the table copies of the Memoranda presented by the Committee to the Right Honourable the Secretary of State for the Colonies. Later on it is hoped it may be possible to give effect to his suggestion.

GRIEVANCES OF INDIANS IN RESPECT OF THE HIGHLANDS AND FRANCHISE IN KENYA.

2141. ***Mr. K. C. Neogy :** With reference to the statement recently made by Mr. Thomas in the House of Commons on the Kenya question, what further steps do Government propose to take to remedy the grievances of Indians in respect of the Highlands and franchise in Kenya ?

Mr. J. W. Bhore : The attention of the Honourable Member is invited to the reply given to part (*c*) of Dr. H. S. Gour's question No. 2016.

REPRESENTATION OF INDIAN VIEWS BEFORE THE ORMSBY-GORE AND THE SOUTHBOROUGH COMMITTEES.

2142. ***Mr. K. C. Neogy :** What steps do Government propose to take for the representation of Indian views before the Ormsby-Gore Committee now touring in East Africa, and the Southborough Committee attached to the Colonial Office ?

Mr. J. W. Bhore: The Government of India are now in communication with the Secretary of State for India on the subject.

Diwan Bahadur T. Rangachariar : Do the Government realise the urgency of the question, and will they press the Secretary of State for a reply ?

Mr. J. W. Bhore : I can assure the Honourable Member that the Government fully realise the urgency of the matter.

APPEALS OF THE EMPLOYEES OF THE EASTERN BENGAL RAILWAY AGAINST THE ORDERS OF DISTRICT OFFICERS.

2143. *Mr. N. M. Joshi : Will Government be pleased to state whether they are aware that the Agent of the Eastern Bengal Railway has issued orders by Notification No. 749 published in Weekly Gazette No. 25 of 1923, that he would refuse to entertain appeals preferred by the employees of the E. B. Railway against the District Officers ? If the reply be in the affirmative, will they be pleased to state whether such orders are in consonance with the spirit of Rule 4 of Section 298, Chapter IV of State Railway Open Line Code, Vol. 2 ?

Mr. C. D. M. Hindley : Government have sent the Honourable Member's question to the Agent for remarks.

QUARTERS OF OFFICERS OF THE EASTERN BENGAL RAILWAY AT ALIPORE.

2144. *Mr. N. M. Joshi : Will Government be pleased to state whether they are aware that the officers of the E. B. Railway have recently been accommodated in a flat called Alipur Officers' Flat at a cost of about twelve lacs of rupees ? If the answer be in the affirmative, will they be pleased to state why the demand for quarters for subordinate staff were overlooked ?

Mr. C. D. M. Hindley : Government have sanctioned a scheme for providing quarters for the Eastern Bengal Railway officers at Alipore, but they have not overlooked the demand for subordinates' quarters, for which a very large sum has been sanctioned in the past two years.

RECRUITMENT OF INDIAN ASSISTANT STATION MASTERS FOR SPECIAL CLASS STATION ON THE EASTERN BENGAL RAILWAY.

2145. *Mr. N. M. Joshi : (*a*) Will Government be pleased to state if assistant station masters on the higher scale (Rs. 220 to Rs. 330) have been recruited for any special class stations on the E. B. Railway ?

(*b*) If so, will Government be pleased to state if any Indians have been recruited ? If not, why not ?

Mr. C. D. M. Hindley : (*a*) Yes.

(*b*) So far as known no Indians have yet been appointed to these posts because no suitable Indian candidates were available. Special arrangements have, however, been made to train men of better educational qualifications with the idea of fitting them for these higher posts.

APPOINTMENT OF TWO ANGLO-INDIANS AS GUARDS ON THE EASTERN BENGAL RAILWAY IN PREFERENCE TO QUALIFIED INDIANS ALREADY IN THE SERVICE.

2146. *Mr. N. M. Joshi : (*a*) Are Government aware that the District Traffic Superintendent, Lalmonirhat, of the E. B. Railway, has recently appointed two Anglo-Indians as Guards on Rs. 100, *i.e.*, the maximum pay of the Class " A ", in preference to many senior Indians who are in service and passed the examination over two years ago ?

(*b*) If the answer to (*a*) be in the affirmative, will they be pleased to state if the action of the District Traffic Superintendent, Lalmonirhat, was

in consonance with the Standing Orders regulating the appointments and promotions ? If not, will they be further pleased to state what action was taken in this matter ?

Mr. C. D. M. Hindley : The Government have no information. They presume that the aggrieved party if any will appeal to the Head of its Department.

EUROPEAN, ANGLO-INDIAN AND INDIAN CHARGEMEN IN THE EASTERN BENGAL RAILWAY WORKSHOPS.

2147. ***Mr. N. M. Joshi** : Will Government be pleased to state how many Indians, Anglo-Indians and Europeans are employed as Chargemen in the E. B. Railway Workshops ?

Mr. C. D. M. Hindley : According to the latest information available there are 5 Indians and 31 Anglo-Indians and Europeans employed as Chargemen on the Eastern Bengal Railway.

ALLEGED ASSAULT BY MR. GASPER, LOCO. FOREMAN, KATIHAR, ON PHOOL MOHAMMAD, PUMPING DRIVER, KATIHAR.

2148. ***Mr. N. M. Joshi** : Will Government be pleased to state whether they are aware that one Mr. Gasper, Loco. Foreman, Katihar, assaulted one Phool Mohammad, Pumping Driver, Katihar, and when the latter wanted to see the Medical Officer, Katihar, the Loco. Foreman sent a letter to the Medical Officer, Katihar, requesting him not to give him unfit certificate ? If not, will they be pleased to inquire into the matter and communicate the result of their inquiry to the House ?

Mr. C. D. M. Hindley : From information received from the Agent, Eastern Bengal Railway, it appears that the allegations of assault referred to were made but were found to be without foundation. No request was made to the Medical Officer, Katihar, to refuse unfit certificate to Phool Mohammed. The man was examined by the medical officer and found fit. Subsequently he absented himself and was therefore discharged from service.

Mr. Amar Nath Dutt : Is it a fact that Phool Mohammad attended the local hospital and produced a medical certificate from the local doctor which was not accepted by the Loco. Foreman ?

Mr. C. D. M. Hindley : I must ask for notice of that question. I have not the information with me.

PROMOTION OF INDIAN STATION MASTERS TO STATION SUPERINTENDENTS AND TRAFFIC INSPECTORS ON THE EASTERN BENGAL RAILWAY.

2149. ***Mr. N. M. Joshi** : Will Government be pleased to state whether the E. B. Railway authorities have so far selected any one from the Indian station masters list for promotion to the posts of Station Superintendents and Traffic Inspectors in that Railway ? If so, how many such selections have so far been made ? If not, why not ?

Mr. C. D. M. Hindley : Full information on this subject has already been communicated to the Honourable Member in reply to his question of 11th June 1924. A copy of the

12 Noon.

letter to the Honourable Member is laid on the table.

Letter from the Secretary to the Government of India, Railway Department (Railway Board), to N. M. Joshi, Esq., M.L.A., No. 674-E., dated Simla, the 21st June 1924.

PROMOTION OF INDIAN TRAFFIC STAFF.

With reference to the reply given to question No. 1457 in the Legislative Assembly on the 11th June 1924, I am directed to state that no Indian Station Master, Assistant Station Master or Guard of the Eastern Bengal Railway has been directly promoted to the posts of Traffic Inspector, Transportation Inspector, Claims Inspector or Assistant Traffic Superintendent, the reason being that until recently the men taking up these appointments were not generally speaking suitable for the higher posts referred to owing to insufficient education and inability to control others.

I am however to add that Indian Office clerks, Shed Inspectors and Assistant Goods Supervisors of the Eastern Bengal Railway have been appointed as Traffic Inspectors, Claims Inspectors and Outstanding Inspectors and that one Indian Traffic Inspector and one Indian clerk have been appointed Assistant Traffic Superintendents in the Local Traffic Service.

PROMOTION OF REVERTED GUARDS ON THE EASTERN BENGAL RAILWAY.

2150. ***Mr. N. M. Joshi**: (*a*) Will Government be pleased to state whether they are aware that some of the Indian guards in the E. B. Railway were reverted from " B " class to " A " class owing to retrenchment ?

(*b*) If so, will they state whether these retired guards are entitled to promotion to the " B " class when any vacancies occur in that class ?

(*c*) If the answer to (*b*) be in the affirmative, will Government also be pleased to state how many vacancies in the " B " class occurred during the year 1923 and how many of them were given to the reverted guards referred to in (*a*) above ?

Mr. C. D. M. Hindley: (*a*), (*b*) and (*c*). Government have no information and are unwilling to call for reports in a minor matter of this sort which must be left to the discretion of the Agent to decide.

ALLOWANCES GRANTED TO STAFF OF THE EASTERN BENGAL RAILWAY FOR WORKING ON SUNDAYS AND HOLIDAYS.

2151. ***Mr. N. M. Joshi**: With reference to the reply given by the Chief Commissioner of Railways to question No. 1214, Part (*c*) and (*d*), of the Legislative Assembly, dated the 4th June 1924, will Government be pleased to state if Sundays are considered as general holidays for all employees or are treated specifically as Christian holidays ? If the former, how are the European drivers entitled to extra pay if required to work on Sundays ?

(*b*) Will they be pleased to state if the Indian Running Staff of the Traffic Department of the E. B. Railway also draw extra allowance for working on Sundays like that of European and Anglo-Indian Guards ?

(*c*) Will Government be pleased to state whether the European and Anglo-Indian drivers of the State Railways generally draw extra pay for 52 Sundays and 7 Christian holidays and the Indian drivers of the State Railways draw extra pay only for 2 Muhammadan and 3 Hindu Holidays ? If so, why are not Indian drivers given pay for 52 Sundays ?

(*d*) Will they also state if they are prepared to recommend to all the Railway authorities to extend the same privileges in respect of extra

pay to the Indian drivers as are enjoyed by the European and Anglo-Indian drivers ? If not, why not ?

(*e*) Will Government be pleased to state whether it is a practice that the Agents of the State Railways have to nominate every year a certain number out of the subordinate staff for promotion to Superior (Traffic) rank ?

(*f*) If so, will they be pleased to state how many such nominations were made by the Agent of the E. B. Railway during 1922, 1923, 1924 and how many of them were Indians, Anglo-Indians and Europeans ?

Mr. C. D. M. Hindley : (*a*) Sundays are classified as general holidays. The day is primarily a Christian holiday and for working on this day European running staff have hitherto drawn an allowance.

(*b*) The allowance is drawn by Indian guards but not by Indians in the Locomotive staff of the Eastern Bengal Railway.

(*c*) Government have not got information as regards the local practice on all State lines, but speaking generally Europeans usually draw extra pay when working on Sundays, Christmas Day, Good Friday and the King's Birthday. On the Eastern Bengal Railway apart from the distinction referred to in (*b*) above Hindu and Muhammadan employees respectively get the allowance when working on seventeen of their gazetted holidays.

(*d*) The whole of this question is at present under consideration.

(*e*) No.

(*f*) Does not arise.

Mr. Amar Nath Dutt : As holidays are granted to Christians on Sundays, will the Government consider the desirability of granting holidays to Hindus on Thursdays and to Muhammadans on Fridays ?

Mr. C. D. M. Hindley : The Honourable gentleman, Sir, in putting this question, has revealed the difficulties attendant upon this most troublesome problem. I have already said the matter is under the consideration of the Government.

Khan Bahadur W. M. Hussanally : May I ask if Muhammadans are allowed extra allowances when they work on Fridays, which is their sabbath ?

Mr. C. D. M. Hindley : I have already answered that question.

WORKING HOURS OF THE TRAFFIC AND TRANSPORT STAFF ON INDIAN RAILWAYS.

2152. ***Mr. N. M. Joshi :** (*a*) With reference to the reply given by the Chief Commissioner of Railways to question No. 1236, asked on the 4th June 1924, on the subject of the working hours of the Traffic and Transport Staff on Indian Railways, will Government be pleased to state whether it is not a fact that even at important transhipment stations such as Naihati, Santahar, Parbatipur, Siliguri, Lalmonirhat, Khulna, the transhipment staff have actually to work for 12 hours or even more a day without extra allowance or remuneration of any kind ?

(*b*) Will they be pleased to state whether they intend to make any provision for extra allowance for extra work referred to in (*a*) above ? If not, will they enforce the 8 hours a day or the 60 hours a week rule as already approved and accepted by the Government of India ?

Mr. C. D. M. Hindley : Government have not the information, but are making inquiries.

REVISION OF PAY OF THE CIVILIAN CLERKS IN THE NORTH WEST FRONTIER PROVINCE.

2153. ***Mr. N. M. Joshi** : (*a*) With reference to the reply given by Mr. E. B. Howell to question No. 857 in the Legislative Assembly on the 17th March 1924, will Government be pleased to state whether the inquiries by the Punjab Government foreshadowed therein have since been completed ? If so, do Government now propose to level up the grading of the N. W. F. P. civilian clerks of Districts and Headquarters Offices according to the Punjab clerical grades of corresponding offices ?

(*b*) If the answer to (*a*) above be in the affirmative, do Government propose to give retrospective effect to the revision inasmuch as the existing rates of pay were introduced in the Punjab over four years ago during which period the N. W. F. P. clerks have been serving on reduced pay ?

(*c*) Will Government be pleased to state the reasons why the question of the revision of pay of the N. W. F. civilian clerks which has been under consideration since October 1920, has been delayed so long ?

(*d*) Will they also state whether they will consider, at the time of sanctioning the revision, the advisability of giving retrospective effect to the revision in view of the delay caused in sanctioning it ?

(*e*) Will Government be pleased to state whether it is a fact that a differential treatment was given to a number of clerks in the N. W. F. Province by allowing the Irrigation clerks of the same Province revision of pay with effect from the 1st March 1923 and not granting the remaining clerks revised pay with effect from the same date ?

Mr. Denys Bray : (*a*) It is understood that a report has been submitted to the Punjab Government whose orders are awaited.

(*b*) Does not arise.

(*c*) The chief reason is that finality has not yet been reached over the Punjab rates.

(*d*) Yes, but this must not, of course, be taken as a promise that the result will be favourable.

(*e*) The Honourable Member's attention is invited to the reply given on the 24th March 1924 to his question No. 1042.

GRANT OF COMPENSATORY ALLOWANCE TO THE POSTAL STAFF AT DHARAMSALA.

2154. ***Lala Hans Raj** : Are the Government aware that since 1st April 1922 the civil servants of Dharamsala are getting compensatory

allowance while the postal servants are not. If so, will the Government be pleased to state why the honest postal servants are deprived of this allowance ?

The Honourable Mr. A. C. Chatterjee : The reply to the first part of the question is in the affirmative. With respect to the second part, the question had been recently considered by me and in view of all the circumstances I came to the conclusion that no compensatory allowance was justified in the case of the postal staff at Dharamsala.

UNSTARRED QUESTIONS AND ANSWERS.

Superintendents of Post Offices.

350. **Dr. K. G. Lohokare :** (*a*) How many persons were given permission to appear at the Departmental examination for Superintendents of Posts during the last seven years ?

(*b*) Of these how many were from the subordinate service and how many were direct recruits ?

(*c*) How many of these selections from the subordinate service were persons who had served as camp clerks to the Heads of Offices in the Department ?

(*d*) Is it a fact that the post of a camp clerk is a special one not being on the general time-scale list ?

(*e*) In recommending a subordinate for permission to appear at the Departmental examination for Superintendents are there any rules regarding service, educational qualifications, competency, etc., by which the merits of the subordinates are to be judged, so that the process of selection would at least take up persons of a certain standard ?

(*f*) Is it a fact that in this process of selection this year, claims of Inspectors of good capability, graduates with good service, and other capable persons were overlooked in preference to persons who were or are camp clerks ?

(*g*) What educational qualifications, period of service, otherwise than as camp clerks, or any special capability do those persons who have been permitted this year hold ?

(*h*) Do Government propose to see that some rules regarding this selection are laid down in order that selection may not amount to favouritism ?

Mr. H. A. Sams : (*a*) 133.

(*b*) 44 and 89, respectively.

(*c*) 1 in 1918, 1 in 1919, and 2 in 1924.

(*d*) No. The post of camp clerk is filled from the general cadre of administrative offices.

(*e*) No definite rules have been laid down either as regards length of service or educational qualifications. Ordinarily officials are not

nominated for the examination if their age exceeds 31 years. Those subordinates are recommended whose past work and conduct is such that they appear likely to make efficient executive officers.

(*f*) No.

(*g*) Of the two camp clerks nominated, one is a graduate. Neither has any service except as a camp clerk.

(*h*) The proposal will receive consideration.

PURCHASE OF LOCOMOTIVES FOR THE RAILWAYS.

351. **Mr. W. S. J. Willson**: (*a*) Were tenders called for in India for the 37 locomotives recently purchased;

(*b*) Does the purchase of these 37 locomotives come within the purview of the Stores Rules;

(*c*) Does it form part of the Rs. 150 crores programme?

Mr. C. D. M. Hindley: (*a*) No.

(*b*) The purchase of these locomotives does not come within the purview of the Stores Rules, but there is nothing in the transaction which is opposed to the policy embodied in those rules.

(*c*) Yes.

MANUFACTURE OF STAMPS, STAMPED PAPER AND POSTAL STATIONERY IN INDIA.

352. **Khan Bahadur W. M. Hussanally**: Will Government be pleased to state:

(*a*) Whether stamps, stamped papers and postal stationery are to be manufactured in India, if so where and from what date the work will commence?

(*b*) Whether the existing five Central stamp depots at Calcutta, Bombay, Madras, Rangoon and Karachi will be maintained for distribution of stamps as at present or the issue will be made at the place of manufacture?

(*c*) Whether in case of abolition of the Central depot, their establishment will also be abolished or provided for locally or at the place of manufacture?

(*d*) Whether the establishment at the place of manufacture will be under the control of the Central Government or the Provincial Governments respectively?

The Honourable Sir Basil Blackett: (*a*) Yes. A press for the manufacture of stamps, etc., is being established at Nasik Road and it is hoped that it will be in working order by the end of 1925 or the beginning of 1926.

(*b*) The matter is under consideration at present.

(*c*) This will depend on the decision arrived at on (*b*).

(*d*) Under the control of the Central Government.

COST OF PRESS FOR THE MANUFACTURES OF STAMPS, ETC., IN INDIA.

353. **Khan Bahadur W. M. Hussanally**: (*a*) What will be the cost of the buildings and machinery?

(*b*) What will be the cost of manufacture ?

(*c*) What will be the yearly saving upon cost of imported stations from England ?

The Honourable Sir Basil Blackett : (*a*) A rough estimate is as below :

	Rs.
Buildings including drainage and water supply ..	17,07,000
Machinery and equipment, about	10,00,000

(*b*) The cost will fluctuate from time to time with the price of paper.

(*c*) No accurate figures can be given, but it is anticipated that the cost of manufacture in India will be substantially cheaper than the cost that is being paid to the present contractors in England. In this connection the Honourable Member's attention is invited to paragraphs 81 and 82 of the Report by Colonel Willis and Mr. Ascoli.

Reduction of Fares on Railways.

354. **Khan Bahadur W. M. Hussanally :** (*a*) Is it a fact that the G. I. P. R. has reduced its passenger rates recently ?

(*b*) What were the fares before ; and what will they be after the reduction ?

(*c*) Do other Company-managed Railways intend reducing their fares ?

(*d*) Do Government intend reducing the fares on State-managed Railways ? If so, when and to what extent ?

Mr. C. D. M. Hindley : (*a*) No, but the Great Indian Peninsula Railway have notified a reduction in I and II class fares from 1st October, 1924.

(*b*) The present and proposed fares are as follows :

Class.	Distance.	Present rate per mile.	Proposed rate per mile.
I	.. 1—300 miles	.. 30 pies.	24 pies.
	plus		
	Over 300 miles ..	.. 18 „	18 „
II	.. 1—300 miles	.. 15 „	12 „
	plus		
	Over 300 miles ..	.. 9 „	9 „

(*c*) Government understand that the Bombay, Baroda and Central India and Madras and Southern Mahratta Railways are introducing similar reductions from 1st October, 1924.

(*d*) The proposed revision of rates on the Great Indian Peninsula Railway will bring those rates to the level that now obtains on the North Western and Oudh and Rohilkhand Railways. On the Eastern Bengal Railway the Agent is experimenting with concessions in return fares, but if experience shows that even with these concessions the existing fares are more than the traffic can bear, the question of reducing the rates will no doubt be carefully considered.

ALLEGED FRAUDS ON THE OUDH AND ROHILKHAND RAILWAY.

355. **Mr. M. K. Acharya** : With reference to question No. 1381 of 9th June 1924, and the reply thereto, will Government be pleased to state (1) whether in the case of the alleged fraud in the Stores Department which was then *sub judice*, judgment has since been delivered ? (2) whether a brief summary may be laid on the table of the charges made and of the findings of the Court ?

Mr. C. D. M. Hindley : There are actually two cases. The Appellate Court delivered judgment in one a few days ago ; the other is still *sub judice*.

A brief summary of both cases will be sent to the Honourable Member after judgment has been delivered in the second case.

ALLEGATIONS AGAINST KHAN BAHADUR M. A. KHAN, GOODS INSPECTOR, OUDH AND ROHILKHAND RAILWAY.

356. **Mr. M. K. Acharya** : With reference to the answer given to the question 1381 of 9th June 1924, will Government be pleased to state (1) whether the notice of Government has been drawn to the points raised in pages 5, 6 and 7, of the *Weekly Mazdoor* of 23rd April 1924 ? (2) whether it is a fact that a certain officer named Khan Bahadur M. A. Khan was allowed to hold the dual appointments of Goods Inspector and "D. T. S. Claims" ? (3) and if so, for what length of time and why ? (4) what steps have been taken to inquire into the allegations made against the said officer in the issue of the *Weekly Mazdoor* above referred to ? (5) whether in a recent case before the Sessions Judge at Moradabad the Judge has passed severe strictures against the said officer ? (6) whether one of the two assessors actually held that the officer was personally involved in the swindle before the Court ?

Mr. C. D. M. Hindley : (1) Government have seen the pages referred to.

(2) Yes, the officer named officiated as an A. T. S. and not D. T. S. in addition to his own duties of Goods Inspector.

(3) Matters of this sort are left to the discretion of Agents, and Government have no information either in regard to the period or the reasons which rendered this arrangement necessary.

(4) The allegations are substantively those made by Mr. Naidu referred to in the answer given to Maulvi Muhammad Yaqub on the 5th June, 1924. They were carefully investigated and proved to be false.

(5) and (6). The Honourable Member does not state what case he refers to and Government have been unable to trace any reference to the officer in question. But this part of the question will be sent to the Agent for remarks.

ALLEGATIONS AGAINST KHAN BAHADUR M. A. KHAN, GOODS INSPECTOR, OUDH AND ROHILKHAND RAILWAY.

357. **Mr. M. K. Acharya** : With reference to question 1253 of 5th June 1924 and the answer thereto, will the Government be pleased to state (1) whether it was against the self-same officer that charges of corruption were brought by the late S. M. of Barabanki, for which the S. M. was dismissed ? (2) whether Government will lay on the table a copy of the

charges made by the S. M. and of the "documentary evidence" on the strength of which the charges were held to be false departmentally ? (3) whether, Government propose to call upon the said officer to vindicate his character in a Court of Law ? or (4) whether in the alternative, Government propose to order an impartial inquiry by a Committee of this House into the many allegations that have appeared in the Press against the administration of the O. and R. Railway, and especially against certain officers thereof ?

Mr. C. D. M. Hindley : (1) Yes, but as stated in the reply given to Maulvi Muhammad Yakub on the 5th June 1924, the station master was discharged with a month's notice and not dismissed.

(2) No.

(3) and (4). The Honourable Member is referred to replies given to (5) and (6) of the question just answered.

CASE OF GUARD MONTROSE OF THE EAST INDIAN RAILWAY.

358. **Mr. M. K. Acharya :** Will the Government be pleased to state (*a*) whether a guard of the E. I. Railway named Montrose was prosecuted about a year ago for gross neglect of duty resulting in death of a woman passenger ; (*b*) whether he was convicted by the trying Magistrate ; (*c*) whether the conviction was upheld by the Sessions Judge and by the High Court ; (*d*) whether the guard was helped by the Company all along to defend himself and in paying the fine ; (*e*) whether this has cost the Company more than Rs. 2,000 ; (*f*) whether, in spite of the conviction, the guard is still kept in service ; and (*g*) whether the Railway Board has sanctioned the contribution by the Company ?

Mr. C. D. M. Hindley : (*a*) Yes, but the guard in question was prosecuted under section 101 of the Indian Railway Act and not for gross neglect of duty as stated.

(*b*) to (*g*). The replies are in the affirmative.

AMALGAMATION OF THE GREAT INDIAN PENINSULA AND EAST INDIAN RAILWAYS.

359. **Mr. N. C. Kelkar :** (*a*) Is it a fact that a scheme is being formulated by Government, of an amalgamation of the G. I. P. and E. I. Railways into a new company, with the object of handing over the management of the two State Railways into the hands of the new Company ?

(*b*) If so, will Government please give the information in their possession regarding this scheme ?

Mr. C. D. M. Hindley : There is no such scheme.

COST OF MACHINERY FOR THE SUKKUR BARRAGE.

360. **Mr. N. C. Kelkar :** (*a*) Will Government state the cost of machinery which has been already purchased or ordered by the Bombay Government in connection with the Sukkur Barrage Scheme ?

(*b*) Will Government state whether this machinery was purchased or ordered through the Stores Department of the Government of India ?

The Honourable Mr. A. C. Chatterjee : (*a*) The Government of India have no information.

(*b*) The value of machinery purchased by the Indian Stores Department up to date for the Lloyd Barrage and canals scheme is Rs. 6,67,000 approximately.

RAILWAY CONCESSIONS FOR MILITARY TRAFFIC.

361. **Mr. N. C. Kelkar :** What is the total amount of the net financial concession made to the Military Department in the year 1923 in respect of the transport of its troops on duty and animals and stores over the several Railways in India and the travelling of troops on leave or private business, or in other words the difference between the amounts that should have been charged for the above items according to the standard schedules or tariffs and the amounts actually charged or received ?

Mr. C. D. M. Hindley : No actual figures are procurable, but in their total effect it seems unlikely that rates for military traffic give any concession over ordinary tariff rates. For example in the year 1922-23 the average receipts per passenger vehicle mile on the North Western, East Indian and Great Indian Peninsula Railways (three lines which may be taken as suitable for the purpose of this comparison) were 67.7 pies against the military vehicle rate of 66 pies. During the same period the average receipts per goods vehicle mile on the same three railways were 51 pies against the military vehicle rate of 60 pies.

In actual fact the rates for military traffic were not fixed in order to give any financial concession, but merely to simplify methods of payment, accounting and audit.

POSTAL INSURANCE FUND.

362. **Mr. N. C. Kelkar :** Will Government supply the information as to the mortality, interest, and the loading basis adopted at the three latest actuarial valuations of the Postal Insurance Fund ?

Mr. H. A. Sams : The following statement shows the tables of mortality, the rate of interest and the loading basis adopted at the three latest actuarial valuations of the Postal Insurance Fund.

Statement showing the tables of mortality, interest and the loading basis adopted at the three latest actuarial valuations of the Postal Insurance Fund.

Date of valuation.	Tables of mortality.	Rate of interest.	Loading reserve.
31st March 1912	H^M (5) with an addition of five years to the age in the case of whole life assurances. O^M (5) with some modifications for ages 19 to 30 in the case of endowment assurances.	3½ %	12·6 %
31st March 1917	Ditto ditto ..	3½ %	13·6 %
31st March 1922	Ditto ditto ..	3½ %	13·5 %

CHIEF COMMISSIONER FOR INDIAN RAILWAYS.

363. **Mr. N. C. Kelkar :** (*a*) Is it a fact that the creation of the post of a Chief Commissioner for Indian Railways is in pursuance of one of the recommendations of the Ackworth Committee ?

(*b*) Was the Indian Legislature consulted before the said post was created and filled ?

(*c*) Did not Government advert to the fact that this action was contrary to the declaration of Government made in reply to a question by Mr. Manmohandas Ramji on 22nd of September 1921, that no administrative action would be taken on the reports of Committees or Commissions before an opportunity had been given to the Legislature to express an opinion on the proposed action ?

(*d*) Is it a fact that the said Chief Commissioner for Indian Railways holds views against the State management of Railways ?

Mr. C. D. M. Hindley : (*a*) Yes.

(*b*) No.

(*c*) The undertaking given by Government is being adhered to; it stated that as far as practicable an opportunity would be given to the Indian Legislature to express its opinion on administrative questions before action is taken by Government.

(*d*) No.

EXPORT OF BEEF FROM INDIA.

364. **Mr. N. C. Kelkar :** Will Government give approximate figures for the last five years of (1) the export of beef from India, (2) the quantity of beef required for the British Army in India ?

The Honourable Sir Charles Innes : (1) A statement is laid on the table.

(2) 1 lb. per head per day.

Statement showing the quantity of beef dried or otherwise—exported from each Indian Port to all ports other than Indian and Burmese.

Ports whence exported.	1919-20.	1920-21.	1921-22.	1922-23.	1923-24.
	Cwt.	Cwt.	Cwt.	Cwt.	Cwt.
Madras	*Nil.*	*Nil.*	*Nil.*	*Nil.*	*Nil.*
Bombay	599	12	*Nil.*	*Nil.*	75
Calcutta	*Nil.*	*Nil.*	*Nil.*	*Nil.*	*Nil.*
Total . .	599	12	*Nil.*	*Nil.*	75

POSTAL INSURANCE FUND.

365. **Mr. N. C. Kelkar :** Will Government state whether the information regarding the basis and details of the actuarial valuation of the Post Office Insurance Fund are published in any Government publications ?

If they are not, do the Government propose to order full details to be published in the life assurance year book issued through the Government Central Press ?

Mr. H. A. Sams : No. Government, however, have no objection to publishing the details of the actuarial valuation of the Postal Insurance Fund in the future issues of the Indian Life Assurance Year Book.

COMPENSATION PAID BY RAILWAYS ON ACCOUNT OF PERSONS KILLED OR INJURED IN ACCIDENTS.

366. **Mr. N. C. Kelkar** : Will Government supply information on the following points :

(1) Total number of claims for compensation demanded by or on behalf of persons who received injuries or lost their lives in Railway accidents in the year 1923.

(2) The total amount of compensation actually paid for the said claims.

(3) Number of claims for amounts exceeding Rs. 10,000 and the amounts of compensation paid for these.

Mr. C. D. M. Hindley : The total amount of compensation paid by Class I Railways on behalf of persons who received injuries or lost their lives in railway accidents during the year 1923-24 was Rs. 2,70,790. Government have no knowledge of the number of claims for compensation made during the year.

SUGGESTIONS IN CONNECTION WITH BUDGET DEBATES.

367. **Mr. N. C. Kelkar** : Do the Government propose to consider the desirability of :

(*a*) Presenting only the accounts and revised estimates portion of the financial statement towards the middle of February and allotting a couple of days for their discussion by the Assembly.

(*b*) Spliting up the total demand for expenditure under the head ' Railways ' into the following sub-heads and making each of these sub-heads a separate demand for the purposes of discussion and voting, *viz.* :

(1) Cost of construction of new lines.

(2) Maintenance and repairs to old lines.

(3) Payment of interest Sinking Fund. Rebate, Surplus profits compensation.

(4) Working charges including fuel and supervision.

The Honourable Sir Basil Blackett : (*a*) I doubt if this suggestion is practicable.

(*b*) This is already under consideration.

EFFICIENCY BAR FOR ACCOUNTANTS IN THE MILITARY ACCOUNTS DEPARTMENT.

368. **Mr. N. C. Kelkar** : (1) Will the Government of India please say whether they have issued any orders that the pay of accountants

(non-gazetted) of the M. A. Department, in receipt of pay of Rs. 500 per mensem since 1st April 1920, should be reduced to Rs. 450 per mensem if they have been considered since 31st March 1924 as unfit for promotion to the gazetted rank though they were considered fit when their pay was originally fixed under the time-scale.

(2) Is it a fact that it has been decided by the Government of India that the pay of an accountant in receipt of Rs. 500 per mensem should be reduced automatically to Rs. 450 whenever he is found unfit for further advancement even if the previous confidential reports on him for a number of years are satisfactory ?

(3) If the reply to parts (1) and (2) be in the affirmative will the Government please state whether this decision is based on any principle already embodied in Civil Service Regulations or any other Regulations ? Is there any such general standing order applicable to all Government servants of all grades that if an individual though considered fit for an appointment for a long time past is subsequently considered unfit for further advancement, the pay he is in receipt of and which was granted to him in respect of his past services should be reduced ? If not, will Government please state why the orders about the reduction of pay were considered necessary in the case of accountants of the Military Accounts Department ?

The Honourable Sir Basil Blackett : (1) and(2). The orders actually are that Accountants in receipt of Rs. 500 or Rs. 475 a month, who are declared in confidential reports for the year ending March 1924 to be unfit to hold appointments of Supervisors of Sections or for promotion as Deputy Assistant Controllers, should be restricted to Rs. 450 from the 1st August 1924, and, in future, such reduction will be made whenever an accountant proves unfit for these positions.

(3) The stage of Rs. 450 in the time-scale has been declared an efficiency bar which cannot, therefore, be passed unless an accountant displays a certain degree of efficiency. It follows from the general principle underlying efficiency bars that if, after passing the bar, an officer becomes inefficient he is liable to reduction to the latter stage. I would add that the Civil Service Regulations even provide for removal from the service for inefficiency, Articles 353 and 418.

Working Hours in the Military Accounts Department.

369. **Mr. N. C. Kelkar** : Is it a fact that the establishments in the Military Accounts Department have even after the war still to work extra hours both in and out of office to cope with the work and if so :

(*a*) how many hours a day,

(*b*) how long is this state of things to continue and would the Government be pleased to state what steps they have already taken or propose to take to prevent it ?

The Honourable Sir Basil Blackett : With the return to normal conditions the establishments of the Military Accounts Department are not now required to work extra hours to any appreciable extent except to meet temporary and occasional emergencies.

PRODUCTION OF MEDICAL CERTIFICATES BY THE OFFICE ESTABLISHMENT OF THE CONTROLLER OF MILITARY ACCOUNTS, SOUTHERN COMMAND AND POONA DISTRICT.

370. **Mr. N. C. Kelkar** : With reference to my interpellation No. 1280, on the 5th June 1924, will the Government of India be pleased to ascertain and state the number of cases in which certificates granted by the registered medical practitioners for leave of absence in excess of 7 days were accepted without the countersignature of the Government medical officer and in how many cases they were not accepted.

The Honourable Sir Basil Blackett : The required information has been called for and will be furnished to the Honourable Member on receipt.

AGREEMENTS BETWEEN THE GOVERNMENT OF INDIA AND FOREIGN GOVERNMENTS FOR THE SUPPLY OF INDIAN OPIUM.

371. **Mr. N. M. Joshi**: Will Government be pleased to lay on the table copies of the agreements made by the Government of India with the other Governments for the supply of Indian opium ? If not, why not ?

The Honourable Sir Basil Blackett : A model agreement has been placed on the table as desired. Agreements entered into before 1923 do not contain a provision for the certification of imports.

AGREEMENT between the Government of India and the Government of .....regarding direct supplies of opium from India.

1. The Government of.....agrees to take the whole or substantially the whole of its requirements from India.

2. The Agreement is to come into force on the.....

3. The Agreement is to be in force for.....years. The question of renewal will be the subject of further negotiations between the two Governments at a later period ; such negotiations to be concluded by the end of.....or, by mutual consent, at a later date.

4. The Agreement may be terminated by giving.....years' notice if it is found to work unfairly towards either party.

5. The price of opium supplied under this Agreement shall be Rupees..... Thousand per chest. But if the Government of India, subsequently to the introduction of these arrangements, should arrange for direct sales to another Government on the basis of a lower price than Rs.....per chest, the same reduced price shall be applied to sales to the Government of.....with effect from the date on which it first becomes operative in the case of the other customer.

6. The Government of.....is under no obligation to take a minimum quantity of raw opium.

7. The requirements for any year shall be intimated by the Government of .....before the 15th September in the preceding year.

8. Each year's notification of the number of chests required for the succeeding year will be accompanied by a certificate by the Government of.....(in such form as may from time to time be prescribed) stating that the import of the amounts notified is approved by the Government of.....and is required for legitimate purposes.

9. A fixed amount shall be supplied month by month, six months' notice being given of any increase or decrease.

10. The Government of.....agrees to intimate to the Government of India the causes of any large variation in the quantity taken.

11. Details arising out of the Agreement to be settled between the Government of India and the Government of.....

EFFECT OF THE IMPORT CERTIFICATE SYSTEM ON THE AMOUNT OF INDIAN OPIUM SOLD FOR EXPORT.

372. **Mr. N. M. Joshi** : Will Government be pleased to state what was the effect, if any, of the adoption of the import certificate system on the amount of Indian opium sold for export ?

The Honourable Sir Basil Blackett : The import certificate system came into force on the 1st January 1923. No inference can be drawn from the figures of exports so far available as to the effect of the import certificate system.

RESTRICTED SALE OF PROVISION OPIUM TO THE NON-CHINA MARKET IN THE FAR EAST.

373. **Mr. N. M. Joshi :** Will Government be pleased to state :

(*a*) if it was a fact that about the year 1911, the Government restricted the sale of provision opium to the non-China market in the Far East to 14,000 chests ?

(*b*) why it was so restricted ?

(*c*) how the figure 14,000 was arrived at ?

(*d*) if that limit has ever been exceeded since 1911 and why ?

The Honourable Sir Basil Blackett : (*a*) Yes.

(*b*) In order to prevent smuggling into China.

(*c*) With reference to the legitimate requirements of those markets based on past experience.

(*d*) Yes, only once ; *i.e.*, in 1918, when it went up to 14,551. The increase was due to somewhat heavy demands from Siam, Japan and Indo-China ; and as the limit of 14,000 was only a rough working guide and not an absolute limit the small excess was ignored by the Government. I am circulating with the votes a statement showing the exports of opium to each importing country since 1910 from which it will be seen that the annual average is much less than 14,000 and is constantly decreasing.

Statement showing the number of chests of opium exported from India during the years 1910-23.

1 chest = 140 lbs.

Destination.	1910.	1911.	1912.	1913.	1914.	1915.	1916.	1917.	1918.	1919.	1920.	1921.	1922.	1923.
China ..	34,240	31,831	23,202	4,612	..	..	..	..	..	..	..	..	..	..
Singapore ..	10,588	7,309	4,603	2,367	985	3,230	3,998	4,818	4,284	4,155	3,090	3,010	1,820	2,100
Hongkong ..	..	..	..	1,120	1,236	734	860	860	856	1,009	180	120	150	240
Penang ..	..	..	..	200	..	10	..	..	..	..	..	..	..	..
Colombo ..	..	..	..	105	80	85	60	60	70	50	60	70	60	30
Batavia ..	..	..	..	3,535	1,800	2,415	1,935	2,200	2,000	2,000	2,900	2,300	1,800	900
Haiphong ..	..	..	..	295	..	..	..	..	..	..	..	..	..	..
Puket ..	..	..	..	30	..	..	..	..	..	..	..	..	..	..
Manzanillo ..	..	..	..	..	..	15	..	..	..	..	..	..	..	..
Sura ..	..	..	..	..	..	1	1	..	..	..	..	..	..	..
Sydney ..	..	..	..	..	..	1	1	6	..	1	..	..	..	..
Barcelona ..	..	..	..	..	..	5	..	..	..	..	..	..	..	..
London ..	..	..	..	85	458	150	..	..	..	..	..	..	..	..
Kobe ..	..	..	..	1,199	800	930	1,060	1,063	1,656	1,150	900	150	50	150
Bankok ..	..	..	..	1,350	2,200	1,700	1,300	1,100	1,700	1,700	1,700	1,700	1,650	1,600
Saigon ..	..	..	..	450	2,150	2,675	2,625	2,595	3,790	1,920	950	1,655	1,700	2,975
Mauritius ..	..	..	..	17	25	40	125	30	47	..	35	..	..	..
Macao ..	..	..	..	395	..	..	..	..	..	..	531	440	500	240
Mexico ..	..	..	..	..	190	225	120	..	..	..	..	..	..	..
Mazatlan ..	..	..	..	..	..	..	50	..	..	..	..	..	..	..
Yokohama ..	..	..	..	..	..	..	..	70	25	20	..	..	..	..
Durham ..	..	..	..	..	..	..	1	..	..	..	..	..	..	..
Sarawak ..	..	..	..	..	..	..	..	..	..	..	..	..	55	125
Taipah ..	..	..	..	..	..	..	200	..	..	..	..	..	..	..
Suva (Fiji ..	..	..	..	..	..	..	1	..	..	..	..	..	..	..
Br. North Borneo.	..	..	..	..	..	..	..	..	120	226	176	240	60	84
New York ..	..	..	..	..	..	..	..	..	1	..	..	..	..	..
Santoo (Brazil)	..	..	..	..	..	..	..	..	2	..	..	..	..	..
Bushire ..	..	..	..	..	..	..	..	..	..	..	..	85	283	100
Other countries	3,362	5,673	2,022	..	..	..	..	..	..	..	..	..	..	..
TOTAL ..	48,290	44,813	34,827	15,760	9,924	12,216	12,337	12,802	14,551	12,231	10,522	9,770	8,128	8,544

SOURCES OF OPIUM SUPPLY.

374. **Mr. N. M. Joshi** : Will Government be pleased to state what were the source from which the Government of India obtained the supplies of opium, from 1911 onwards, the quantities, at 70 degrees consistence in maunds so obtained in each source ; and under what circumstances the different sources were resorted to ?

The Honourable Sir Basil Blackett : For a statement of the position in respect of the sources of opium supply, I would refer the Honourable Member to the Government of India's despatch No. 28, dated the 18th March 1921, which was published in the Supplement to the Gazette of India, dated the 17th September, 1921. The quantities obtained are given below :

Year.	*Outturn in Benares Agency.*	*Quantity purchased from Malwa States.*
	Mds.	Mds.
1911-12	31,473	..
1912-13	26,813	6,247
1913-14	24,292	20,502
1914-15	28,293	13,551
1915-16	27,001	20,812
1916-17	32,124	7,887
1917-18	32,248	7,374
1918-19	27,343	8,199
1919-20	22,731	2,921
1920-21	14,340	11,223
1921-22	18,310	12,703
1922-23	23,900	16,346

TRANSACTIONS IN MALWA OPIUM.

375. **Mr. N. M. Joshi** : Will Government be pleased to state:

(*a*) Why in Appendix VII of the " Report on the Operations of the Opium Department " for the years since 1917, opium received from Central India is shown in column 5, but not in Appendix XIII of the same Report ?

(*b*) Why in tables on Opium Revenue in the Statistics of British India, (of 1922, Vol. II, Financial, Nos. 12 to 23), and in the Statistical Abstract for British India, no reference is made to the quantities of Malwa opium purchased by, or specially cultivated for, the Government of India ?

(*c*) If in future the Government intend to arrange to supplement the tables referred to in (*b*) above in the Statistics of British India and Statistical Abstract with information regarding transactions of the Government in Malwa opium also, and to include all the information now furnished in Appendix VII of the Report of the Operations of the Opium Department ?

The Honourable Sir Basil Blackett : (*a*) Columns 9 and 10—" Excise Chests "—in Appendix XIII, include the opium received from Central India. Appendix XIII (before the report for 1916-17, Appendix XX) is in a form that dates from the time when no Malwa opium was purchased.

(*b*) As in the case of the Table referred to in clause (*a*) of this question, the form of the Table has remained unchanged from the time when no Malwa opium was purchased ; but it will be seen that details of the quantities of opium purchased by the Government of India from the Malwa States are given on page 152 of Volume II, Financial Statistics, 1922. In the Opium Revenue Accounts, the charges on account of Malwa opium appear as expenditure, just like the payments to cultivators in the United Provinces for the crude opium.

(*c*) The question of revising the form of both the Tables referred to is under consideration.

SCHEME OF INTERCHANGE OF PUBLIC HEALTH PERSONNEL ORGANISED BY THE LEAGUE OF NATIONS.

376. **Mr. N. M. Joshi** : Will Government be pleased to state whether it is a fact, and if so, whether they are aware of it, that connected with the League of Nations there exists a system of interchanges of Medical Health Personnel organised by the League's Health Committee largely with the aid of the funds from the Rockefeller Foundation ? If so, will they be pleased to state whether they have considered the desirability of availing themselves of it in the interests of the Public Health in India ? If not, do they propose to do so now and announce their decision ?

Mr. J. W. Bhore : The Honourable Member is correct in his assumption, and the Government of India are aware of the arrangement now in operation in Europe and America through the League of Nations. This interchange of health personnel is in its infancy, and up to date has been confined, with the exception of Japan, to European countries and America. The extension to other continents is in contemplation and the League has suggested that an interchange should be organised particularly for the countries of the Far East in 1925.

When the League's proposals have matured, the Government of India intend to bring the matter to the notice of the various Local Governments.

LISTED POSTS FOR MEMBERS OF THE PROVINCIAL CIVIL SERVICE.

377. **Mr. W. M. Hussanally** : I. With reference to the Honourable Sir William Vincent's reply to question No. 148 by Rai G. C. Nag Bahadur, M.L.A., on the 15th September 1921, in this Assembly, will Government please state whether in accordance with the assurance given therein, instructions were issued to the various Local Governments by the Government of India on the subject of giving more listed posts in the executive branch to the members of the Provincial Civil Service ?

II. Will the Government be pleased to state the date of the communication ?

III. What steps have the Government of India taken to secure the effective observance of these instructions by Local Governments ?

IV. (*a*) Have Government any information to show whether Local Governments are now acting in the spirit of these instructions ?

(*b*) If not, will the Government please call for reports from Local Governments and place the same on the table ?

V. Do the Government of India possess the necessary powers to have their undertakings carried out by the Local Governments ?

The Honourable Sir Alexander Muddiman: (1) and (2). The Honourable Sir William Vincent, in the reply referred to by the Honourable Member, mentioned a reference which had already been sent to Local Governments on 6th August 1921 and gave no assurance that any further reference would be made.

(3) The Government of India have issued nothing in the nature of instructions. The suggestions contained in their letter, dated 6th August 1921, resulted in the number of listed posts being raised from 70 in 1921 to 88 in 1923.

(4) As Sir William Vincent pointed out, the increase in the number of listed posts must vary with the conditions of the cadre of the Indian Civil Service in each province, and the Government of India have no reason to believe that Local Governments have failed to increase the number of these posts as opportunity has arisen. They do not consider that any further reference to Local Governments is at present necessary, especially in view of the fact that the method of recruitment from the Provincial Service is under consideration in connection with the recommendations of the Royal Commission on the Superior Civil Services.

(5) The relation of Local Governments to the Governor General in Council is defined in section 45 of the Government of India Act.

COMPENSATION TO THE FAMILY OF THE VILLAGER OF LOHOGAON WHOSE DEATH WAS CAUSED BY PRIVATE C. J. WALKER.

378. **Mr. N. C. Kelkar**: (*a*) Has the attention of Government been drawn to the following question and answer in the last July session of the Bombay Legislative Council ?

Bombay Legislative Council, second session 1924, second list, page 66.

Mr. R. G. Pradhan (Nasik District): Will Government be pleased to state whether any compensation has been given to the family of the villager at Lohogaon for causing whose death Private C. J. Walker was charged before the Sessions Judge at Poona and subsequently acquitted by the High Court ?

The Honourable Sir Maurice Hayward: No such compensation has been awarded by this Government.

(*b*) Has the Military Department received any application from the widow of the villager referred to in the interpellation for compensation for the death of her husband ?

(*c*) Do Government propose to favourably consider the petition ?

(*d*) Do Government propose to consider the advisability of more strictly enforcing the Shikar rules under which Military men are allowed to go out for Shikar ?

Mr. E. Burdon: (*a*) I have not been able to trace in the published proceedings the question and answer referred to, but Government have no reason to question the accuracy of the Honourable Member's quotation.

(*b*) No.

(*c*) This question does not arise.

(*d*) Government do not propose to take any action in the direction suggested by the Honourable Member, since they are of opinion that the present rules are sufficiently strict.

ESTABLISHMENT OF A LABOUR OFFICE IN BOMBAY.

379. **Mr. K. C. Neogy** : Will Government be pleased to lay on the table all correspondence that they had with the Government of Bombay with regard to the establishment of the Labour Office in Bombay ?

The Honourable Mr. A. C. Chatterjee : It does not appear to Government that any advantage is to be gained by the publication of the correspondence. If, however, the Honourable Member desires information on any particular point, I should be glad to supply it, if possible.

WAITING ROOM FOR FIRST AND SECOND CLASS PASSENGERS AT TALIPARAMBA ROAD STATION ON THE SOUTH INDIAN RAILWAY.

380. **Mr. K. K. Nambiyar** : (*a*) Will the Government be pleased to state whether there is any waiting room for first and second class passengers in Taliparamba Road railway station, S. I. R. line Malabar District.

(*b*) If the reply is in the negative, do the Government propose to advise the railway authorities to put up a waiting room ?

Mr. C. D. M. Hindley : The Government have no information, but the question will be brought to the notice of the Agent.

DOUBLING OF THE RAILWAY LINE FROM MADRAS TO CHINGLEPUT.

381. **Mr. K. K. Nambiyar** : (*a*) Will the Government be pleased to state whether there is any proposal to construct a double line Railway connection between Chingleput and Madras by the S. I. Railway ?

(*b*) If the answer is in the affirmative, will the Government be pleased to state when the work is likely to be taken up and when completed ?

Mr. C. D. M. Hindley : (*a*) Yes, but as a first stage it is proposed to double the line from Madras as far as Tambaram only.

(*b*) It is not possible to state definitely when the work will be started, as the South Indian Railway Company are now considering the advisability of electrifying the suburban services in conjunction with the doubling of the line. As soon as a decision is arrived at, no avoidable delay will be allowed to occur in carrying out the work.

PROPOSED TELLICHERRY-NANJUNGOD RAILWAY.

382. **Mr. K. K. Nambiyar** : Will the Government be pleased to state what progress has been made with regard to the proposed Tellicherry-Nanjungod Railway connection ?

Mr. C. D. M. Hindley : The survey of the line is now nearing completion.

NEW LEGISLATIVE RULES RELATING TO SUPPLEMENTARY GRANTS.

383. **Seth Govind Das** : Will the Government be pleased to state the objects and reasons that led them to promulgate the legislative rules to sanction the presentation to the Assembly or to any of the Provincial Legislative Councils of an additional or a supplementary estimate in respect of any demand which may have been previously rejected ?

The Honourable Sir Alexander Muddiman : The Honourable Member is referred to my reply to Mr. Neogy's question No. 1735, dated the 10th September 1924.

DISSOLUTION OF THE CENTRAL PROVINCES LEGISLATIVE COUNCIL.

384. **Seth Govind Das** : Will the Government be pleased to state if the Governor of the Central Provinces has referred to the Government of India the question of dissolving the C. P. Legislative Council ?

(*b*) If so, have the Government of India come to any decision in the matter and has any communication been issued on the subject ?

(*c*) If so, will the Government be pleased to lay it on the table ?

The Honourable Sir Alexander Muddiman : Under proviso (*a*) to section 72-B (1) of the Government of Indoa Act a provincial Legislative Council may be dissolved at any time by the Governor. The Government of India are therefore unable to make any statement on the subject.

REPORT OF THE INDIAN COLONIES COMMITTEE.

385. **Seth Govind Das** : Will the Government be pleased to state the result of the labours of the Indian Colonies Committee ? Have they submitted any report ? If so, will the Government be pleased to lay it on the table ?

Mr. J. W. Bhore : With regard to the first part of the question, the Honourable Member is referred to the statement made by the Secretary of State for the Colonies in the House of Commons in reply to Mr. Mills on the 7th August, which has already appeared in the Press. As regards the second and third parts the Government of India have received no report but anticipate no difficulty in giving effect to the Honourable Member's suggestion when one is received.

STATEMENT OF THE SECRETARY OF STATE FOR THE COLONIES REGARDING AFFAIRS IN KENYA.

386. **Seth Govind Das** : (*a*) Will the Government be pleased to state if their attention has been drawn to the statement of the Secretary of State for the Colonies in Reuter's telegrams published in the *Statesman* of the 9th August regarding affairs in Kenya ?

(*b*) Will the Government be pleased to state if the said statement has been accepted by them ?

(*c*) If the reply be in the negative, will the Government be pleased to state as to what steps are proposed to be taken to get the decision modified ?

Mr. J. W. Bhore : (*a*) Yes.

(*b*) and (*c*). The Government of India will avail themselves of a suitable opportunity to make further representations.

RECOMMENDATIONS OF THE INDIAN BAR COMMITTEE.

387. **Seth Govind Das** : Will the Government be pleased to state what action has been taken regarding the recommendations of the Indian Bar Committee ?

The Honourable Sir Alexander Muddiman : The Honourable Member is referred to the answer given to Khan Bahadur Sarfaraz Hussain Khan's question No. 1267 on the 5th June 1924. The replies of some Local Governments and other authorities consulted are still awaited.

RECOMMENDATIONS OF THE INDIAN MERCANTILE MARINE COMMITTEE.

388. **Seth Govind Das :** Will the Government be pleased to state what they propose doing regarding the recommendations formulated by the Indian Mercantile Marine Committee ?

The Honourable Sir Charles Innes : The recommendations of the Indian Mercantile Marine Committee are still under the consideration of Government, and until a decision has been reached it is not possible to say what action will be taken.

SIR SANKARAN NAIR'S BOOK " GANDHI AND ANARCHY."

389. **Seth Govind Das :** Will the Government be pleased to state if Sir Sankaran Nair wrote the book " Gandhi and Anarchy " at the instance of the Government of India ?

THE O'DWYER-NAIR LIBEL SUIT.

390. **Seth Govind Das :** (*a*) Did the Government assist Sir Michael O'Dwyer in prosecuting his libel case against Sir Sankaran Nair ?

(*b*) Did the Government help Sir Sankaran Nair in defending the case referred to above ?

The Honourable Sir Alexander Muddiman : The Honourable Member's attention is invited to the statement made in reply to Mr. Gaya Prasad Singh's starred question No. 1675 on the same subject.

CONSUMPTION OF SALT IN THE VARIOUS PROVINCES.

391. **Seth Govind Das :** Will the Government be pleased to lay on the table a statement shewing the consumption of salt in the different provinces since the last budget ? What was the consumption of salt for the same period last year ?

The Honourable Sir Basil Blackett : As explained during the last Budget debate, no exact figures are available as to actual consumption of salt. The available statistics relate to issues of duty-paid salt, which are of course quite a different thing from consumption.

CONVERSION OF THE TUMSAR ROAD TIRODI TRAMWAY INTO A BROAD GAUGE RAILWAY.

392. **Seth Govind Das :** Will the Government be pleased to state if any proposal regarding the connection of Tumsar station to Katangi on the B. N. Railway, by broad gauge line is under consideration ?

Mr. C. D. M. Hindley : No. It is, however, proposed to convert the Tumsar Road Tirodi Tramway into a broad gauge railway, and the work of conversion may be expected to start very soon, as it has been sanctioned by the Secretary of State.

INCREASE OF SALARIES IN THE IMPERIAL SERVICES.

393. **Seth Govind Das**: (*a*) Will the Government be pleased to state whether they propose to sanction a further increase in the salaries of the Imperial Services in India ?

(*b*) If so, what will be the total recurring cost per annum, and how are they going to meet this extra expenditure ?

The Honourable Sir Basil Blackett: (*a*) The Government's attitude has been stated in the recent debate.

(*b*) It is not possible to reply to this part of the question until final decisions have been reached on the Commission's recommendations.

ADMISSION OF INDIAN CADETS INTO THE ROYAL MILITARY COLLEGE AT SANDHURST.

394. **Seth Govind Das**: (*a*) Will the Government be pleased to state how many candidates (since the year 1918) have been taken as cadets in the Royal Military College at Sandhurst ?

(*b*) Of these how many were from the Central Provinces ?

(*c*) Did the Central Provinces Government recommend any candidates to the Central Government ?

(*d*) Will the Government be pleased to state the basis on which selection is made for admission to the Royal Military College at Sandhurst ?

Mr. E. Burdon: (*a*) 61 Indian cadets have been admitted to the Royal Military College, Sandhurst, since the commencement of the spring term of 1919. Before this date, no Indian cadets were admitted to Sandhurst.

(*b*) None.

(*c*) Yes. Two candidates were nominated by the Central Provinces Government to attend the Sandhurst entrance examination held in Simla on the 24th September 1923.

(*d*) I invite the attention of the Honourable Member to the reply given in this Assembly on the 8th March last to part (*b*) of starred question No. 635.

EMPLOYMENT OF INDIANS AS DECK OFFICERS AND ENGINEERS IN THE ROYAL INDIAN MARINE.

395. **Seth Govind Das**: (*a*) Will the Government be pleased to state the number of Indians employed in the Royal Indian Marine as Deck Officers and Engineers ?

(*b*) Will the Government be pleased to state if they contribute towards the maintenance of Royal Indian Marine ? If so, how much ?

Mr. E. Burdon: (*a*) There are no Indians employed in the Royal Indian Marine as Executive and Engineer Officers.

(*b*) The entire cost of maintaining the Royal Indian Marine, exclusive of those officers who are employed by Local Governments and Port Trusts, is borne by the Government of India. The cost of the service borne by Central Revenues can be ascertained by a reference to the Finance and Revenue Accounts.

REDUCTION OF INTERMEDIATE AND THIRD CLASS FARES ON THE GREAT INDIAN PENINSULA AND EAST INDIAN RAILWAYS.

396. **Seth Govind Das**: Will the Government be pleased to state if third class and intermediate class fares are going to be reduced on the G. I. P. and E. I. Rys. ?

Mr. C. D. M. Hindley: So far as Government are aware the railways named do not propose to reduce intermediate and third class fares at present.

LIQUIDATION OF THE ALLIANCE BANK OF SIMLA.

397. **Seth Govind Das**: (*a*) Has the attention of the Government been drawn to the Report of the Investigation Committee on the affairs of the Alliance Bank ?

(*b*) Does the Government propose to take action on the recommendations formulated therein ?

The Honourable Sir Alexander Muddiman: (*a*) and (*b*). I invite the Honourable Member's attention to the replies given by me to Mr. Bhubanananda Das's starred questions Nos. 1868 and 1869 on the 15th September 1924.

RECOMMENDATIONS OF THE UNIVERSITIES CONFERENCE HELD AT SIMLA.

398. **Seth Govind Das**: Will the Government be pleased to state :

(*a*) If they propose taking action on the recommendations of the Universities Conference held at Simla ?

(*b*) If so, will the Government be pleased to specify the details thereof ?

Mr. J. W. Bhore: (*a*) Yes.

(*b*) The Indian Universities Conference passed 49 resolutions in all. Some resolutions require action by the Government of India ; most of the others by the Universities. The remaining resolutions do not call for immediate action or are for consideration by the Secretary of State, the Local Governments or other authorities. Such resolutions as permit of immediate action by the Government of India have all been referred to the authorities primarily concerned for consideration, and their decisions are awaited. Those for action by the Universities or the Local Governments will be communicated to the latter during this month as soon as printed copies of the proceedings of the Conference are available. Copies of printed proceedings, including resolutions, will be placed in the Members' Library, at an early date.

RESOLUTION *RE* SEPARATION OF RAILWAY FINANCE FROM GENERAL FINANCE—*contd.*

Mr. President: The Assembly will now resume the debate on the Resolution* moved† by the Honourable Sir Charles Innes on the 3rd March 1924 :

* "This Assembly recommends to the Governor General in Council that in order to relieve the general budget from the violent fluctuations caused by the incorporation therein of the railway estimates and to enable the railways to carry out a continuous

† *Vide* page 1139 of these Debates.

[Mr. President.]

railway policy based on the necessity of making a definite return over a period of years to the State on the capital expended on railways :

(1) The railway finances shall be separated from the general finances of the country and the general revenues shall receive a definite annual contribution from railways which shall be the first charge on railway earnings.

(2) The contribution shall be a sum equal to five-sixths of 1 per cent. on the capital at charge of the railways (excluding capital contributed by Companies and Indian States and capital expenditure on strategic railways) at the end of the penultimate financial year *plus* one-fifth of any surplus profits remaining after payment of this fixed return, subject to the condition that if any year railway revenues are insufficient to provide the percentage of five-sixths of 1 per cent. on the capital at charge, surplus profits in the next or subsequent years will not be deemed to have accrued for purposes of division until such deficiency has been made good.

From the contribution so fixed will be deducted the loss in working, and the interest on capital expenditure on strategic lines.

(3) Any surplus profits that exist after payment of these charges shall be available for the railway administration to be utilised in :

(*a*) forming reserves for :

(*i*) equalising dividends, that is to say, for securing the payment of the percentage contribution to the general revenues in lean years,

(*ii*) depreciation,

(*iii*) writing down and writing off capital :

(*b*) the improvement of services rendered to the public,

(*c*) the reduction of rates.

(4) The railway administration shall be entitled, subject to such conditions as may be prescribed by the Government of India, to borrow temporarily from capital or from the reserves for the purpose of meeting expenditure for which there is no provision or insufficient provision in the revenue budget subject to the obligation to make repayment of such borrowings out of the revenue budgets of subsequent years.

(5) In accordance with present practice the figures of gross receipts and expenditure of railways will be included in the Budget Statement. The proposed expenditure will, as at present, be placed before the Legislative Assembly in the form of a demand for grants and on a separate day or days among the days allotted for the discussion of the demands for grants the Member in charge of Railways will make a general statement on railway accounts and working. Any reductions in the demand for grants for railways resulting from the vote of the Legislative Assembly will not enure to general revenues, *i.e.*, will not have the effect of increasing the fixed contribution for the year.

(6) The Railway Department will place the estimates of railway expenditure before the Central Advisory Council on some date prior to the date for the discussion of the demand for grants for railways."

The House will observe that that Resolution stands in the name of the Honourable Sir Charles Innes, the Commerce Member, and that he also has an amended Resolution on the paper. I have to inform him and the House that someone else will have to move the Resolution standing as an amendment in his name on the paper.

The Honourable Sir Henry Moncrieff Smith (Secretary, Legislative Department) : Sir, I beg to move the amendment :

"That for the original Resolutions the following be substituted, namely :

'This Assembly recommends to the Governor General in Council that in order to relieve the general budget from the violent fluctuations caused by the incorporation therein of the railway estimates and to enable railways to carry out a continuous railway policy

based on the necessity of making a definite return to general revenues, on the money expended by the State on railways:

(1) The railway finances shall be separated from the general finances of the country and the general revenues shall receive a definite annual contribution from railways which shall be the first charge on the net receipts of railways.

(2) The contribution shall be based on the capital at charge and working results of commercial lines, and shall be a sum equal to one per cent. on the capital at charge of commercial lines (excluding capital contributed by companies and Indian States) at the end of the penultimate financial year *plus* one-fifth of any surplus profits remaining after payment of this fixed return, subject to the condition that, if in any year railway revenues are insufficient to provide the percentage of one per cent. on the capital at charge, surplus profits in the next or subsequent years will not be deemed to have accrued for purposes of division until such deficiency has been made good.

The interest on the capital at charge of, and the loss in working, strategic lines shall be borne by general revenues and shall consequently be deducted from the contribution so calculated in order to arrive at the net amount payable from railway to general revenues each year.

(3) Any surplus remaining after this payment to general revenues shall be transferred to a railway reserve; provided that if the amount available for transfer to the railway reserve exceeds in any year three crores of rupees only two-thirds of the excess over three crores shall be transferred to the railway reserve and the remaining one-third shall accrue to general revenues.

(4) The railway reserve shall be used to secure the payment of the annual contribution to general revenues: to provide, if necessary, for arrears of depreciation and for writing down and writing off capital: and to strengthen the financial position of railways in order that the services rendered to the public may be improved and rates may be reduced.

(5) The railway administration shall be entitled, subject to such conditions as may be prescribed by the Government of India, to borrow temporarily from capital or from the reserves for the purpose of meeting expenditure for which there is no provision or insufficient provision in the revenue budget subject to the obligation to make repayment of such borrowings out of the revenue budgets of subsequent years.

(6) A Standing Finance Committee for Railways shall be constituted consisting of two nominated official members of the Legislative Assembly one of whom should be Chairman, and ten members elected by the Legislative Assembly from their body. The members of the Standing Finance Committee for Railways shall be *ex-officio* members of the Central Advisory Council, which shall consist, in addition, of not more than two further nominated official members, five non-official members selected from a panel of eight elected by the Council of State from their body and five non-official members selected from a panel of eight elected by the Legislative Assembly from their body.

The Railway Department shall place the estimates of railway expenditure before the Standing Finance Committee for Railways on some date prior to the date for the discussion of the demand for grants for railways.

(7) The railway budget shall be presented to the Legislative Assembly if possible in advance of the general budget in order that more time may be allotted for its discussion, and the Member in charge of railways shall then make a general statement on railway accounts and working. The expenditure proposed in the railway budget, including expenditure from the depreciation fund and the railway reserve, shall be placed before the Legislative Assembly in the form of demands for grants. The form the budget shall take after separation, the detail it shall give and the number of demands for grants into which the total vote shall be divided shall be considered by the Railway Board in consultation with the proposed Standing Finance Committee for Railways with a view to the introduction of improvements in time for the next budget, if possible.

[Sir Henry Moncrieff Smith.]

(8) These arrangements shall be subject to periodic revision but shall be provisionally tried for at least three years'."

The Honourable Sir Charles Innes (Commerce Member) : Sir, the House will remember that when I placed this subject before them in March last they decided to refer it for examination by a committee. That committee submitted a preliminary report a few days later. The report was to the effect that while they were in favour of the principle of separation they had not been able within the time allowed to satisfy themselves fully as to the effect of the proposals on the control of the Assembly over Railway finance and policy and as to the amount and form of the contribution to be paid by Railways to general revenues. Consequently, they asked that a discussion of the subject might be postponed till this Session. Since then, Sir, we have laboured much both in sub-committee and in the main committee and our final report has, I think, been in the hands of Honourable Members for the last few days. I regret very much that it was not a unanimous report in all respects, and I regret it the more because it is likely to make my task to-day somewhat harder. But, Sir, this matter is a matter of vital importance to Railways. The Resolution represents the considered policy of the Government of India, and it is clear that we can accept a decision in this matter only from the Assembly itself. You will all agree, I think, that it is only right that Government should submit to this Assembly a reasoned statement of the reasons why they think that the House ought to adopt that policy. The House will know from the amended Resolution just moved by Sir Henry Moncrieff Smith that we have made some changes in the form of the original Resolution. There are one or two changes of substance notably as regards the amount of the contribution and also in regard to the constitution of the Central Advisory Council, but we have redrafted the Resolution generally in order that we might clear away certain misconceptions to which our original Resolution undoubtedly gave rise and in order that we may bring out the intentions of Government more clearly. Now, Sir, I am quite sure that I shall have the sympathy of the House in the task which lies before me to-day. I have done my best to lighten my labours by circulating a large amount of literature on this subject, and may I say this ? Whatever view the House may take of the merits of my Resolution, I am quite sure that they will agree with me that we are all under an obligation to Mr. Parsons, the Financial Commissioner, for these memoranda which he has circulated. But, Sir, in spite of all this literature it must be admitted that this question of the separation of railway finance from general finance is a very technical and a very difficult one and I have no doubt that many Honourable Members in this House are not very clear in their minds what we want to do or why we want to do it. I will therefore endeavour to explain my proposals in the simplest possible language, but I hope that the House will accept the speech I am going to make to-day as a supplement to the memoranda which we have circulated to the House and which explain our proposals in greater detail. And may I begin, Sir, by saying just a word or two about Indian Railways ? As everybody knows in this House, most of our Railways are mainly owned by the State. They are managed, some by the State and some by companies, and in the aggregate they constitute the most gigantic commercial undertaking in India. Let me give the House a few statistics. Taking our commercial lines alone, the capital charge at the end of March last amounted to 541 crores. In the current year we are budgeting for gross receipts exceeding 97 crores of rupees and for working expenses exceeding 66 crores of

rupees. Last year we carried in our railways nearly 600 million passengers and more than 90 million tons of goods. I give those figures in order that I may bring home to the House what enormous part our Railways play in the life and in the commerce and industry of India, and that I may also bring home to the House how supremely important it is that our system of financing this enormous undertaking should be suited to its needs. May I also just make a passing reference to the nature of our railway property? As everybody knows, it consists of thousands and thousands of miles of railway lines, innumerable stations, huge bridges, big goods yards and an immense quantity of rolling stock. The point I want to bring out is that in railway work we must look ahead. We must take long views. If we do not, then we merely lay up for ourselves trouble and additional expense in the future. Let me give an instance. Everybody has heard of bottleneck stations. I am afraid there are stations of that kind in India, though I hope that we are reducing their number. What does the expression mean? It means a station where the traffic has outgrown the capacity, where railway traffic cannot be handled adequately or expeditiously or with real efficiency, and a station of that kind not merely causes loss and delay to traders in the vicinity, but it reacts, and this is the point I want to bring home, on the efficiency of the whole of the line. Now, Sir, a remodelling scheme for a station takes many years to put through. In fact I think I am correct in saying that I had a project put up to me the other day for remodelling one of our stations which it was estimated would take 13 years to complete and I hope the House will realise that when we embark on a project of that kind we must see our finance ahead of us throughout the years through which it will be necessary to carry out the project. If we do not, if we merely have to depend on such money as can be spared to us year by year, then the result is inevitable. Haphazard finance and stations which have outgrown their capacity, one of those bottle-neck stations which hamper the efficiency of our railways throughout India. No remedy is possible—this is the view we take—for a state of things like this as long as your railway finance is dependent upon your general finance. I think I may claim that that was the main burden of the financial recommendations of the Acworth Committee's Report. Let me give just one almost staccato phrase or rather paragraph taken from that report. They say :

"We do not believe that it is possible to fit railway management into the rigid framework of the existing financial system of the Government of India. We do not think that Indian railways can be modernised, improved and enlarged so as to give to India the service of which it is in crying need at the moment, nor that railways can yield to the Indian public the financial return which they are entitled to expect from so valuable a property, until the whole financial methods are radically reformed. The essence of reform is contained in two things ; first, the complete separation of the railway budget from the general budget of the country and its reconstruction, which will free a great commercial business from the trammels of a system which assumes that the concern goes out of business on each 31st of March and recommences *de novo* on the 1st of April. And secondly, the money spent in railway management should be free from the control of the Finance Department.

May I say, Sir, that throughout its Report the Acworth Committee spoke of the Finance Department not with any idea of criticising that Department but as a convenient way of expressing its disapproval of a faulty system. As I have said, Sir, the passage I have quoted represents the main burden of the Acworth Committee's Report on the financial side. They attached so much importance to it that even that half of the Committee which recommended the adoption of a policy of State management considered that the adoption of this policy of

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separation should be a condition precedent to the adoption of the policy of State management. Let me read the passage :

"Our recommendation as to State management must therefore be read as coupled with and conditional on the adoption at least substantially and in main outline of the recommendations which we have made with respect to the financial and administrative reforms."

Since the Acworth Committee's Report was received I am glad to say that we have made one important advance, and we have made that advance with the co-operation of this House. This House has been good enough to secure to us the funds for the capital portion of our rehabilitation programme. But, Sir, experience has shown that it is not enough, as the Acworth Committee say, and it is a commonplace in every commercial undertaking capital expenditure and revenue expenditure are constantly intermixed. The defect in the present system is that, though we have secured to us the capital portion of our rehabilitation programme, we have no similar security in regard to the revenue portion of it. That is to say we are not yet in that position which the Acworth Committee predicated as necessary for the proper running of the Railways. They said that it was absolutely necessary to treat Railways :

"as a continuously going concern with a carefully thought out programme both of revenue and of capital expenditure for years ahead with provisional financial arrangements to correspond."

As I have said, the existing system fails because we have not got that security in regard to the revenue portion of the programme. That is our first and our main objection to the present system of railway finance. Let me develop further objections. A convenient term for the revenue portion of our rehabilitation programme is "programme revenue expenditure". That is the term we use. That expenditure is not voted till March, and it is voted in March for the year beginning on the 1st April next. This delay in giving us our financial grants is one reason why we usually find difficulty in spending fully the grants for programme revenue expenditure which we get. Now, what happens ? The unexpended balances of these grants go into our surplus. They represent money which is ear-marked for the purpose of keeping our railway property in proper order. Nevertheless, they go into the surplus. They are merged in general revenues ; no part comes back to the railways. Indeed under the present system it is quite impossible to make provision for arrears of renewals or arrears of depreciation. We had a committee on the question of depreciation which examined the whole subject about a year and a half ago. That Committee found that the arrears of our renewals which had accrued during the war when our surpluses were taken by general revenues for their own purposes amounted to no less than 18½ crores of rupees, and that figure was accepted by the Retrenchment Committee. In these proposals which I am now putting before you we make no claim on general revenues for that money, but I think that the House will see that a system which allows arrears to pile up in that way without making any provision for them must be a faulty system. The system again fails psychologically. We who are responsible for the running of railways are not given any inducement to economise. If by taking thought we effect economies, the benefit of those economies goes entirely to general revenues ; nothing comes to us. Again, under the present system there are no railway reserves. Imagine a great commercial concern without reserves ! It

is particularly embarrassing to Railways, for, as every one knows, the prosperity of the Railways depends upon the state of the season and the state of trade. Again, the present system is inconvenient to the Finance Department. It leads to violent fluctuations in the returns from Railways, and those fluctuations are necessarily most embarrassing to any one who has to make the budget.

Now, Sir, perhaps I may summarise very briefly the objects which we have in view in submitting this reform for adoption by this House. In the first place, as far as State railways are concerned, we want to abolish altogether this system of programme revenue voted for a year. We want to establish a proper depreciation fund, a depreciation fund arranged in a scientific and intelligible manner. Secondly, we want to build up railway reserves. We want to build them up in order that our finances may be more elastic, in order that we may have provision to equalise dividends. And generally, we want to introduce a system of finance which, while maintaining unimpaired the control of this House and while ensuring to general revenues a fair return from their railway property, will be more suited to the needs of a vast commercial undertaking. Finally, and most important of all, we want to establish a principle. It is right and proper that the tax-payer, the State, should get a fair and stable return from the money it has spent on its Railways ; but if you go further, if you take from the Railways more than that fair return, then you are indulging in a concealed way in one of the most vicious forms of taxation, namely, a tax on transportation. One of the objects we have most at heart in putting these proposals before this House is to establish that principle.

These then are the reasons why we are asking the House to accept this reform which was insistently pressed by the Acworth Committee, namely, the reform of separating your railway from your general finance. We considered the possibility of legislating in the matter, but we decided that it would be preferable to proceed in the manner suggested in the Resolution ; that is, we decided that it would be preferable to ask this House to agree to a convention. There are some advantages in a convention which can be adjusted from time to time to varying needs and difficulties. It can even be adjusted to the ordered progress of the constitution. It was always our intention, whatever the arrangements we might come to with the House, that those arrangements should be subject to periodical revision ; and the House will see that on the recommendation of the Committee we have definitely provided for this in the last clause of the amended Resolution. The operative part of the Resolution, at any rate in the aspect from which I am dealing with the question at present, is contained in the first five paragraphs.

I will now take up the question of the form and amount of the contribution. As regards the form, I do not think that I need say very much since the Committee was unanimous on that point. We propose that the contribution should be based on the capital at charge on commercial lines and that in addition general revenues should get a share of the surplus profits. That means that whatever new capital we put into this concern, you will always get from railway revenues not only the ordinary interest charges on that capital but one per cent. in addition. I think the House will agree that that is an onerous obligation on Railways, for when we put new capital into new lines, it is years before we get a return from it ; but let me pass on to the amount

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of the contribution. Our original proposal was that the contribution should be based on five-sixths of one per cent. on the capital at charge on commercial lines *plus* one-fifth of the surplus profits. We have had considerable argument about this point in the Committee, and as the House will see from the amended Resolution moved by Sir Henry Moncrieff Smith, we have decided to accept the Committee's proposal, namely, that the amount of the contribution should be raised to one per cent. on the capital at charge *plus* one-fifth of the surplus profits and, in addition, we have also agreed to the condition in clause (3) of the Resolution that if the amount available for transfer to the railway reserve exceeds in any year three crores of rupees, only two-thirds of the excess over the three crores should be transferred to the railway reserve, the remaining one-third accruing to general revenues. Before I go further into the question of the amount, I should just like to make one point clear. Our proposal is that the contribution should be based on the actuals of the penultimate year ; the reason for that is that the Finance Department may be in no doubt whatever as to the exact amount they are going to get, but in respect of the current year, if our proposals are accepted, we propose to vary that condition. We propose to base the contribution in the current year on the actuals of last year, and the reason for that is that it would not be fair to my Honourable friend on my right to base the contribution on the actuals of 1922-23. That happened to be a bad year and it was also a year in which we had not yet succeeded in getting the full benefit of the Inchcape cuts. As a preliminary, a provisional arrangement, in the first year we propose to base the contributions on the actuals of last year. Now if the proposals in the amended Resolution are accepted, it means that in the current year we shall pay to general revenues a gross contribution of nearly 639 lakhs of rupees. But from that you have got to deduct the loss on the working of strategic lines and the interest on the capital on strategic lines, and so the net contribution in the current year will be Rs. 5,19,19,000 ; that is to say, the effect of our accepting the proposal of the Committee is that we shall pay Rs. 73 lakhs more than we contemplated when we made our original suggestion. A contribution of five-sixths of one per cent. of the capital at charge *plus* one-fifth of the surplus profits would have yielded us in the current year 446 lakhs. We are now raising that contribution to 519 lakhs. Now the first point of course that the House will want to be satisfied on is this—they will want to know whether the contribution of that amount is enough. The first point I have to make in regard to this is, I should like the House to realize, that any figure we may take for the contribution must be more or less an arbitrary figure, and the main point I think which the House ought to bear in mind is this, that the more you take from the Railways, the longer you postpone the day when we can reduce rates and fares, and the longer you maintain rates and fares at a high level. I should also like to make it perfectly clear, with reference to an amendment of which I see notice has been given, that in addition to this gross contribution of 639 lakhs we expect to pay in the current year interest charges amounting to nearly 24 crores, that is to say, in all we shall pay in the current year something like Rs. 30½ crores, those 30½ crores being made up partly of our interest charges and partly of the dividend which we pay to the general tax-

payer. Again, if the House will turn to the statement on page 9 of the memorandum circulated by Mr. Parsons, they will find that in the current year our earnings; according to our budget estimates will be 5.43 per cent. of the capital at charge. I have brought that point out because I think that answers the criticisms of those who think that the introduction of this reform should be postponed until the railways come to a more normal working. I am sure the House will realize and will agree that when we get a return of 5½ per cent. on our property we reach the standard of revenue which we should reasonably expect from it.

The next point I wish to bring out is that the House has got to remember that we have to pay this one per cent. on all our capital at charge on commercial lines. I have just referred to the fact that it takes some years before we get a return upon new capital, especially new capital sunk in new lines. Further, we undertake to pay the dividend year by year and we take the risk of the season. When the season is good and trade is good, our earnings go up; when the season is bad and trade is bad, our earnings go down. But whatever the state of the season, whatever the state of trade, we undertake to pay this dividend year by year. We have to take that consideration into account in deciding whether the dividend is sufficient or not. It seems to me therefore that the real question is, not whether general revenues are getting enough but whether they are not taking from the Railways too much. And I should like to explain the reasons why we have agreed to this enhanced contribution. There is only one reason, and that is this. We expect this year to be a good year, and I hope the House will follow me carefully here for I do not want them to accuse me in March next of having tried to mislead them into accepting these proposals by concealing our hopes in regard to the current year. We have only got four months' actuals to go upon, and it is too early to prophesy with absolute confidence, but so far, we have undoubtedly done well, and Mr. Parsons hopes that at the end of this year we may be a net two crores better than our Budget estimates. Of course we may do better, still, but it would be unsafe to count on that. But if Mr. Parsons hopes are realized, it means that we shall not only be able to pay to general revenues this net contribution of 519 lakhs but we also hope to put into the railway reserve something like Rs. 2½ crores. And it is only because we hope to begin next year, with this 2½ crores of rupees, in our reserve, that we can agree to this contribution. I should like to emphasise again the point I made before that the main point that the House should look to in deciding this question is not whether or not this contribution is enough or too much, but that if you take too big a contribution you only succeed in maintaining rates and fares at too high a level.

I should just like to refer very briefly now to two points. One is the depreciation fund. We want altogether to abolish this system of Programme Revenue in so far as the State lines are concerned. We want to replace it by a properly arranged depreciation fund. At the suggestion of the Central Advisory Council about 18 months ago, we appointed a Committee to inquire into the whole of this question. We were not able to accept all their recommendations, but that Committee did furnish us with very valuable information regarding the life of our different classes of wasting assets. As a result of their report, we hope to be able to establish this fund and we hope to be

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able to pay into this fund a yearly contribution based, as I have said, upon intelligible and scientific calculations; and as a result of that, we hope that we shall have in the Fund eventually enough to replace the cost of each class of wasting asset when that asset is worn out; and if we can do that, then we shall be able to carry out another important reform suggested to us by the Inchcape Committee, namely, the reallocation between Capital and Revenue so as to relieve, temporarily at any rate, the charge upon Revenue. We cannot do that at present with Company Railways, because it would not be in our interest to relieve Revenue Charges of Company Railways too much. But I should like to emphasise the point that if we establish this Fund, everything that goes into the Fund and everything that comes out of the Fund will be subject to the vote of this Assembly, and I may say the same will be the case with the railway reserves. It will require a vote of the Assembly to pass money into the reserve and also requires a vote of the Assembly to pass money out of the reserve. The value of these reserves to us will be not only that they will serve as equalisation of dividend fund, but that they will also enable us to make up for arrears of depreciation, and finally—and this is one of the most important benefits we hope to get from this fund—it will enable us to adopt a bolder Railway policy. It will enable as to take our courage in both hands and to reduce rates and fares.

Now, Sir, I pass on to a question which I know is exercising the minds of some Honourable Members very much, namely, the question whether these proposals of ours will effect the control which the Assembly now exercises over our finances, and of course through its control over our finances, the Assembly influences our policy. Mr. Parsons has circulated a very long memorandum upon that subject, and I hope that that memorandum has satisfied everybody in this House that the effect of these proposals will not be to impair the control of the Assembly over the Railway budget. Of course if the Assembly accepts these proposals, they will not have so much inducement to make big cuts in our budget, for the effect of these cuts will not be to benefit general revenues. They will merely go into the railway reserves. That I admit, but at the same time, the House will realise that those cuts will be very embarrassing, just as embarrassing as they are now, to the Government of India. Supposing for example, although I hope it will not happen, that the Assembly decides to cut down the provision for the Railway Board establishment. Well, if they do that, that money will go into the railway reserve, but we shall not be able to pay those establishments, unless the Governor General in Council decides to restore that grant, that is to say, we shall be placed in precisely the same awkward predicament that we are placed in now.

Then, again, Sir, it has been suggested to me that it would be dangerous for the Assembly to agree to these proposals, because if they did, they would be admitting the principle that the Railways are a commercial department, and that, when in the future they press upon us any particular question in which they are very interested, such as Indianisation, or something of the kind, they will be always open to the retort. "You declared the Railway Department to be a commercial department, you have laid upon us the obligation to pay a heavy contribution every year and we cannot do what you want consistently with efficiency and economy." I have tried my very best to state

as fairly as I can the argument as it was stated to me. On it the first point I would like to mention is that you will not be any the worse off than you are now in that particular matter. Secondly, I would like to bring out the following facts. The Railway Board have been working at the separation for the last 15 months. All our activities in the Railway Board have been orientated with reference to this day, the day when we hope to get separation. Now, Sir, in spite of that fact we have not raised any objection to various measures which I know this House took great interest in. We did not ask for a lower contribution on account of the Act which removed the exemption of Government Stores from import duty. We did not ask for any lower contribution on account of the Steel Protection Act, in spite of the fact that these two Acts will increase our Revenue charges in the Railway Department by 40 lakhs per annum. May I remark parenthetically that if this separation proposal goes through, those 40 lakhs per annum are a real gain to the tax-payer ; if the separation proposal does not go through, there will be no gain to the tax-payer at all. It will merely be transferring from one pocket to another. Let me point out certain considerations on the other side. In the first place, we are perfectly convinced, on these benches at any rate, that these proposals point out the true direction in which this Assembly can enforce economy and efficiency in our Railway maintenance. Secondly, I hold that the proposals will have the effect of increasing, rather than impairing, the control of this Assembly. If the proposal were accepted, we shall no longer be debarred from putting up the Railway budget in advance of the Honourable Finance Member's speech. We hope that we may be able to put up the Railway budget, say in February and to allow longer time for the discussion than is possible at present. We may be able to go even further and put the Railway budget up to this House in September, but that involves an amendment of the Government of India Act, and it is a matter for the future. Again, we have undertaken to examine the form of our budget, examine the number of votes into which it is divided and to see whether we can improve generally the way in which we put our budget before you, in order that you may exercise your control better. Again, we have agreed to the reconstitution of the Central Advisory Council on a very popular basis. We have agreed to the institution of a Standing Railway Finance Committee, and I think that what I have said in that respect will show that we do not fear your control ; indeed we welcome it. I do hope the House will realise that nothing is further from our thoughts in putting these proposals before the House than that we should impair in any way the control of this House. That was never our intention. Our intention was merely to put up to the House an administrative and financial form to which we attach the greatest importance. We are convinced that unless this House adopts that reform, we shall never be able to manage our Railways as efficiently and economically as they should be managed.

Now, Sir, I have laid all my cards on the table both here and in these Committees. I claim that we have concealed absolutely nothing from the Members of this House. There is no catch of any sort or kind in these proposals. We have been working at them for the last 15 months, because we are satisfied that these proposals will lead to what is best for Indian Railways, and that means for Indian trade, Indian Commerce

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and the Indian tax-payer. May I wind up by an appeal to this House. May I express the hope that this House will take these proposals in the spirit in which we offer them, that they will consider them purely on their merits and that they will co-operate with us. We may be bureaucrats, but the House must realise that we are just as keen on the interests of India as anybody in this House. And we have put up these proposals because we are satisfied that they are in the real interests of India.

Sardar V. N. Mutalik (Gujarat and Deccan Sardars and Inamdars : Landholders) : I want to put just one question, Sir. I did not like to disturb the Honourable Member when he was delivering his speech. May I know, Sir, at what rate the interest is being calculated and also what is being done about annuities ?

The Honourable Sir Basil Blackett (Finance Member) : I can answer this question, Sir. The interest is being charged at the actual rate which it costs the Government of India. The interest portion of the annuities is also being charged in the same way. The capital portion of the interest, as was explained in connection with the Budget this year, is treated as part of the general provision for the redemption of debt.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Sir, the Honourable the Commerce Member said that if the convention that is sought to be established by this Resolution comes into force, they will be able to give profits to the tax-payer. May I know, Sir, by what process of law or of constitutional procedure these Conventions are going to be given effect to if this Resolution is passed by this House.

The Honourable Sir Charles Innes : There is no process of law at all. They will be given effect to by an agreement between the Government and the House.

Mr. A. Rangaswami Iyengar : May I know, Sir, whether the powers which would be exercised in respect of this arrangement are going to be exercised by the Government of India, or by the Secretary of State, or by the Assembly or by all ?

The Honourable Sir Charles Innes : I do not think, Sir, that the position, if this Resolution is accepted, will be any different from what it is now. We shall put before this House the Budget every year, even if our proposals are carried out, as we do at present. It would be open to the Assembly to scrutinise that Budget in its usual careful manner and to make any cuts that it may like to make. But we will ask the Assembly to agree that, if it does make any cuts, those cuts will not go to the general revenues but will merely go to the Railway revenues. In other words, we ask the Assembly to fix an annual contribution in the manner which I have tried to explain.

Mr. K. G. Lohokare (Bombay Central Division : Non-Muhammadan Rural) : May I know, Sir, what is the reply to the question put by Sardar V. N. Mutalik in regard to annuities ?

The Honourable Sir Basil Blackett : I have already answered the question regarding annuities. In so far as the interest is concerned, it will be charged to the Railways in the Railway Budget and the charge

will be exactly equivalent to the amount of interest calculated in the annuities. In so far as the capital is concerned, as was explained in connection with the Budget this year, the charge for the capital has been transferred from the Railway Budget to the General Budget as a provision for redemption or avoidance of debt.

Mr. A. Rangaswami Iyengar : I desire to know whether, as a result of the passing of this Resolution, the Secretary of State will have to devolve powers to the Government of India or make use of his own powers for the control of expenditure under Railways ?

Mr. A. A. L. Parsons (Financial Commissioner, Railways) : No.

Mr. President : The House will observe that there are two different lists of amendments. Those amendments which relate to the original Resolution as moved by the Honourable the Commerce Member now fall to the ground. So the amendment which the House will discuss is actually the amendment moved by the Secretary in the Legislative Department. I propose to set aside the amendments which are not now pertinent and take those which, I presume, represent the desires of the Honourable Members to-day. That being so, it seems to me that, in the interests of an orderly debate, the amendment of which Sir Purshotamdas Thakurdas has given notice, namely, that the proposals of the amended Resolution only be given effect to provided the Government agree to the two propositions which he lays down in the paper, represents the most crucial alternative to the proposals of the amended Resolution itself. Therefore, I propose to call upon Sir Purshotamdas Thakurdas to move his amendment before any other, with this possible exception that, if the Honourable Member from Bihar and Orissa desires to move that the consideration of the amended Resolution be adjourned *sine die*, then I shall have to call upon him. I have been given to understand that Mr. Neogy does not propose to move his dilatory motion. But, if Khan Bahadur Sarfaraz Hussain Khan wishes to move his amendment, I shall have to call upon him before Sir Purshotamdas Thakurdas.

Khan Bahadur Sarfaraz Hussain Khan (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : I wish to say only one word, Sir. There will be no necessity for me to move my amendment if the amendment of Sir Purshotamdas Thakurdas is accepted by the Government.

Mr. President : Then may I take it that the Honourable Member does not wish to move his amendment ?

Khan Bahadur Sarfaraz Hussain Khan : I do not wish to move my amendment if the amendment of Sir Purshotamdas Thakurdas is accepted by the Government.

Mr. President : We cannot make a conditional proposal. The Honourable Member has the prior right to move his amendment for the postponement of consideration. If he gives up that right, then I will ask Sir Purshotamdas Thakurdas to move his amendment.

(Khan Bahadur Sarfaraz Hussain Khan did not reply.)

Mr. President : Sir Purshotamdas Thakurdas.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) : Sir, I rise to move the following amendment to the amended Resolution now before the House :

" Add the following as an additional clause to the amended Resolution :

' Clause 9. The above proposals be given effect to provided the Government agree to the following :

[Sir Purshotamdas Thakurdas.]

(a) That no Railway Line now under State management and no Railway Line now managed by a Company whose contract may hereafter expire should be handed over to Company management without the previous approval of the Legislative Assembly ;

(b) That the railway services should be rapidly Indianised, and further that Indians should be appointed as Members of the Railway Board as early as possible '."

Before I begin my remarks on this amendment, I think the whole House will agree with me if I say that the Honourable the Commerce Member has treated the House to one of those clear and fluent speeches which he is generally accustomed to deliver in this House, whenever he moves an important subject—speeches which show the great grasp and his usual broad view that the Honourable Member takes in handling questions of such importance as this. I wish, Sir, also to make it clear that I move this amendment on behalf of the Nationalist Party in the Assembly. The Honourable the Commerce Member observed in the preliminary observations that the matter that he has now put before the House is one of vital importance to the Railways of India. He further gave figures to the House showing what a great machine the Railways of India were to handle and what an important asset it is to the tax-payer of India. These, Sir, are exactly the grounds why I wish to put before the House certain subjects which have been fully discussed both in the sub-committee and in the committee appointed by the House and which should be brought to the notice of this House in a prominent manner in the form of an amendment. I need hardly say that this House, as representing the tax-payers of India who have put in crores and crores of rupees either directly or indirectly for the Railways of India, is very jealous that the people and the tax-payer should now begin to get the fullest advantage out of their investment. And it is with this aim that this House may wish to assert its right in regard to having a substantial say in connection with any change in the Railway policy that may be followed by the Government of India.

1 P.M.

The Honourable Commerce Member referred to the number of statements put up by Mr. Parsons before the Committee and which are now circulated to the Assembly, and generally speaking to the great ability with which Mr. Parsons served all the requirements of the members of the Committee. I wish to join in that expression of appreciation as a non-official Member connected with this question both in the sub-committee and committee stages. I do not think the Honourable Commerce Member will misunderstand me if I say that working on the sub-committee and committee on these occasions, a non-official member like me was greatly impressed by the great zeal and energy and readiness with which Government officials from the Chief Commissioner of Railways downwards worked in order to prepare this subject for the Assembly at this stage. I do not think I will be misunderstood when I say that many non-official members would like the same zeal to be shown by Government officials in other similarly important subjects which may be hanging fire before the Assembly. But I would like, Sir, just to strike a discordant note here and point out to the Honourable Commerce Member one particular subject in which I am afraid the members of the sub-committee and committee did not get the information that they sought. There is no doubt that this subject of separation of the two budgets is an important subject. Indeed the Government of

India themselves have taken the best part of three years to make up their minds about it. The subject was before the Assembly in December 1921 when they had a special meeting of their committee in Calcutta and the matter was put off for further consideration and fuller examination. The subject therefore must have needed considerable correspondence and exchange of despatches between the Secretary of State and the Government of India as regards, firstly, whether the Secretary of State was prepared to give this additional power to the Government of India or to this Assembly, and, secondly, as to the details of the powers which he is prepared to give up on agreeing to the separation of budgets. I understood at the sub-committee meeting that the Government of India were not prepared to take the committee into their confidence as far as these despatches were concerned.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : What is the additional power ?

Sir Purshotamdas Thakurdas : The power of devolution from the Secretary of State to the Government of India, about which you heard a question just before I commenced my remarks.

I do not know whether in such an important subject like this, when the Government of India claim that they put all their cards on the table, there was anything in the constitution which prevented them from taking the members of the committee into their confidence by letting them see copies of the despatches between the Government of India and the Secretary of State. I dare say there may be nothing by which we may benefit by a perusal of these despatches ; but at the same time I mention this particularly because the Honourable Commerce Member claimed it as his usual practice that he had put his cards on the table. The fact of his inability to put the despatches between the Government of India and the Secretary of State at the disposal of this House has undoubtedly led to some sort of justifiable suspicion by the members of the committee as to why these despatches were being withheld.

Sir, there are five minutes of dissent in the Committee's Report. I propose to deal with the last minute, the one which particularly refers to the three conditions mentioned in para. 6 of the Committee's Report. With your permission, Sir, I hope the House will allow me to deal first with condition No. 2 mentioned in para. 6 of the Committee's Report, that no railways should be handed over to a private company without the prior approval of the Legislative Assembly. I think this is the one condition named by the dissenting members on the Committee, which really has given rise to certain apprehensions in the mind of the Government of India. I would like, Sir, to put before the House, as fully and as impartially as I can, the reasons why this House should insist that when they agree to the separation of the budgets, and that within certain limits the railway revenue may be handled by officers appointed by the Government of India, it is only right that they should at the same time make sure that whilst devising this very necessary method of putting State management on an unassailable basis none of their property shall be taken out of State management and transferred to Company management without the express approval of this House.

To begin with, Sir, the Honourable Commerce Member himself moved an amendment in the Assembly on the 27th February 1923, when the Assembly decided upon State management of Indian railways, without any

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qualification. He pressed and indeed took the House to a division on the following. He said that he thought that

> "efforts should be continued to concert measures with the object of handing over one or other of the two railways (*i.e.*, the East Indian Railway and the Great Indian Peninsula Railway) after such grouping as may be necessary to an indigenous company calculated to give India the benefits of real Company management."

An amendment to this effect was moved by the Honourable Member himself and was lost in the House. Later on, in the Administration Report of Indian Railways for 1922-23 it is stated that Government propose to continue these efforts to take over these railways eventually on the basis of real Company management. Subsequent to this, as the House knows now, because it has been repeated *ad nauseam*, Diwan Bahadur Ramachandra Rao moved a Resolution saying that whenever there was a contract to be made by the Government for the working of State railways, the contract should be placed on the table of the House before being finally confirmed. That Resolution, although passed without a division, has been rejected by the Government of India. All this may, I think, very reasonably be taken to deepen the apprehensions of many of the Members of this Assembly. The Government may, above the heads of the Assembly and indeed without their knowledge, enter into a contract either themselves, or the Secretary of Sate may do it, to have either the East Indian Railway or the Great Indian Peninsula Railway, or any of the railways in India, managed by a company. The minority section of the Acworth Committee in their Report submitted two schemes of Company management. The Railway Board circularising various commercial bodies in India and the Provincial Governments in their letter put forward two more schemes of Company management. In spite of all these the Assembly came to a decision in favour of State management. In spite of all this we hear constantly from Government that they are in search of a species of management of certain railways which can be said to be "*real*" Company management. Is it unreasonable for this House, when they agree to an important reform of the nature of separation of the budgets and of the nature indicated, that certain revenues of the Railways shall be handled by the executive officers of the Railway Department without any right to this House unless they broke the convention to touch those monies. I wonder, when such reforms are under consideration, if it is wrong for this House to say to the Government that, whilst they devise a better and sure method for successful handling of State management of railways, Government shall also give an undertaking that they will not use the power which they claim they have of handing over any of the railways of India to Company management at their discretion.

The Honourable Sir Charles Innes : May I correct a statement made by the Honourable Member. The Honourable Member has just stated that the House is asked to agree now that certain revenues of the Government of India shall be managed by certain officials of the railways. I am afraid the Honourable Member has not understood what I have said. I presume he is referring to the depreciation fund and the reserve fund, and I thought I made it perfectly clear that any money which comes into such funds must be voted by this House, and that this House's vote will be required to any money which is expended from either fund. The position will not be different from what it is already.

Sir Purshotamdas Thakurdas : I have no doubt I have understood the position absolutely clearly, indeed my working on the two Committees

would be useless if I had not correctly understood the whole scheme. I really do not remember if I expressed myself clearly, but I will make myself clear. This House to-day refuses, if it passes this proposal, to separate the two budgets, to take anything from the railway budget, even if the use that they may make of that money will be to let it remain in the reserve fund ; to that extent the House is making a self-denial. I do not know if the Honourable the Commerce Member will agree with me there ; is that all right ?

The Honourable Sir Charles Innes : No.

Sir Purshotamdas Thakurdas : May I ask the Commerce Member then what happens in case there is a separation of the budgets this House makes a cut of 50 lakhs of rupees at budget time ; are you going to hand it over to the Finance Department ?

The Honourable Sir Charles Innes : As I said, that money will pass into the reserve fund. What the Honourable Member said was that these revenues will be managed by Government officials. What I am trying to point out is that no expenditure can be made from that reserve fund without the vote of this House.

Sir Purshotamdas Thakurdas : I thought I said to the Honourable Member, when he objected first, that I wanted to make myself quite clear. Will the Honourable Member say what he thinks about what I said subsequently ? I will tackle this point that the Honourable Member has raised. Supposing there is a deficit of a crore and a half of rupees in the budget of the country, and supposing the Executive Government put before this House suggestions for additional taxation which this House do not wish to accept. This House wish to make up for the deficit by cuts here and cuts there. The Railway Department as one of the biggest departments of the Government of India must come in for their share, and supposing they want to make a cut of 50 lakhs of rupees there, they may make the cut, but the amount will not go to the Finance Member. That is the point I had in my mind. I know that the separation of the budgets is mainly intended for this purpose, namely, that we shall take from the Railways only an agreed amount and leave the rest to the Railways, to be used in various directions, as indicated by the Honourable the Commerce Member. The fact however remains that the Assembly do say to-day, as representing the tax-payer, that in order that this commercial machine may be well conducted, steadily conducted from year to year, we will forego this advantage which we got till now. I do not think that can be denied. I therefore feel that, when we are coming to an arrangement like this, it is only fair and reasonable that the House should say to the Executive Government that we wish that, whilst we agree to this administrative reform, so important as it is, you agree in your turn that you will allow us full opportunity of giving the Railways a full trial in State management and will not hand over the Railways without our consent to what is called Company management, even if you could discover a " *real* " Company-management system. That, Sir, is the main ground on which there was substantial difference in this Committee. I feel that whilst I am a very strong advocate of this administrative reform, whilst I should be extremely sorry if the Government of India insisted upon their inability, as they put it, to give this undertaking which I think is the just due of this Assembly as representing the tax-payer of India, if this reform had to be postponed, nobody would be more sorry than

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myself ; in fact I am one of those who signed the Acworth Committee's Report, and who also has said, what the Honourable the Commerce Member has read from the majority report of that Committee, that we make this recommendation for State management with the caveat that the finances hereafter would be provided in a more correct manner. But the Acworth Committee only took cognisance of what it was appointed to examine. The main question is, there is this power, and as I have shown by the various incidents I have referred to, beginning with the Honourable the Commerce Member's motion when he moved that amendment in the Assembly two years back, there appears to be something lurking in the background, and it is quite possible when there is something in the nature of what the Executive Government think is real Company management, one of the railways of India may be handed over for such real Company management. If the Government of India have nothing to hide, nothing to conceal from this Assembly, nothing to be afraid of, may I ask why they should distrust this Assembly to such an extent that they will not come to this Assembly and say, " Here we have this substantial scheme, we would like you to consider it ? " Do they really think this Assembly is incapable of appreciating the advantages of real Company management and agreeing to it, that they should refuse to agree to this very simple convention, a convention which by the way I feel should not be difficult for them to agree to if they really mean not to go past what has now been suggested.

Sir, there is one further subject that I would like to remind the House of. My Honourable friends from Madras will remember the year 1910, when the South Indian Railway, in spite of the great grievances of the Madras public against the management of that Railway, was handed over, or to be more accurate, the contract regarding which was renewed with that same Company, not only over the heads of the Government of Madras, but over the heads of the Government of India. I remember it very clearly being mentioned to the Acworth Committee by many witnesses in Madras that it was only when a Reuter's telegram came out here, that the Government of Madras wired to the Government of India, only to learn that the Government of India had also learnt of that contract having been renewed by the Secretary of State after all the formalities were put through. I am sure, Sir, we do not want any repetition of this to happen again.

I will come, Sir, now to a question which may be put to me, namely, if the Secretary of State and the Government of India enjoy the powers of entering into these contracts without consulting the Assembly, what are you going to gain by insisting upon it at this stage ? I wish, Sir, that the House will bear with me when I try to reply to this question which I am anticipating, because I am sure some Honourable Member or other is bound to put it to me, not by a reply, but by asking another question. Let us consider what we are likely to lose in case Government absolutely refuse to agree to this administrative reform on the ground that they do not see their way to give the undertaking we require. The Honourable the Commerce Member has sufficiently emphasised here the grave manner in which the Acworth Committee pressed that the financial India have been trying to make up for their past lapses. Rs. 150

crores have been sanctioned by this Assembly for capital funds, the immediate rehabilitation and betterment of existing lines. That 150 crores, I understand, is to be spent within five years beginning with 1922, if I mistake not. I do not think I am incorrect in saying that the Railway Department are not able to spend at the rate of 30 crores a year and there is no question of their needing more than that 150 crores until the year 1926-1927. So much for the immediate rehabilitation and betterment of existing lines. The next question that remains is repairs and renewals from the revenues. Now, Sir, there also I expect that with the experience which the public of India and this Assembly has had till now of what happened, owing to the lapse during the war period by the then Government of India and the then Finance Member, it is hardly likely that there is going to be a repetition of the same neglect over again. I still maintain and I repeat that I would like this administrative reform to come into force immediately but I feel that whilst this administrative reform is agreed to by this Assembly and while this Assembly agrees to forego what I have just indicated in the course of a few questions and answers with my friend opposite, it is only due to this Assembly that the Executive Government should give the assurance which is indicated in condition 2 of clause 6 of the report. I wish, Sir, just to point out that the Honourable the Commerce Member himself admitted that the separation of budgets is to apply only to State-managed railways and not to Company-managed railways. As far as the Company-managed railways are concerned, their budgets and their relations to the Government of India are to continue as they have continued heretofore. I remember a few figures which were asked for and which were given as approximate figures. Of the total gross revenue of 96 crores of rupees from the Railways of India, about 24 crores was given as the gross revenue from State lines at present managed by the State. When the East Indian Railway and the Great Indian Peninsula Railway are transferred to State management by next June, this figure of 24 crores is likely to go up to anything between 60 and 70 crores, out of a gross revenue of 96 crores for all India. I really wonder, when we have so many other Company-managed lines at present which we cannot touch, and the last line will not fall due till 1950, whether this Assembly can be said to be greedy if it wants additional power, in the shape of a substantial say regarding who shall or shall not manage the Railways of India hereafter.

Mr. President : I must ask the Honourable Member now to bring his remarks to a close.

Sir Purshotamdas Thakurdas : Conditions Nos. 1 and 3 of paragraph 6 of the report deal with the question that Indians should be fairly represented on the Railway Board and that the Indian railway services should be rapidly Indianised. I shall very briefly indicate the reasons why the dissenting members thought it necessary to refer to these two ambitions of the Indian public. It is true, Sir, that the Railways of India are very valuable and very important commercial enterprises but the public of India wish to look upon the Railways of India also as national assets and they agree to the commercial management of these Railways only as far as is compatible with their national aspirations and with their national advancement. It is no good saying that these Railways must be managed in a cheeseparing spirit of economy, so that whatever may happen to the ambition of Indians either in the matter of Indianisation or in due encouragement by purchase of stores from India in order that

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the industries of India may be built up, this Assembly could agree to commercialisation or to the commercial management of Indian Railways. That is a fundamental difference between some influential sections in the country and the Indian public and I think it is right that that difference should be substantially brought to the surface and should be emphasised at this particular juncture in order that there may be no misunderstanding hereafter whenever the Assembly ask for more Indianisation or more powers of purchase of local stores by the Railways of India. The Honourable the Commerce Member referred to this demand, and if I did not omit to hear some part of his remarks, I am afraid his reply in connection with this struck me as being rather disappointing and halting. It is certainly a fact that consistent demands have been made by the Indian public for years now in these directions. They feel that they have a right to and ought to have a greater hand in the management of the Indian Railways. It may be quite true that it will take a little time to train them up but this question must be agreed to without the least hesitation or shadow of a doubt that whatever the case, whether you separate the budgets or not, the Assembly will be justified year in and year out in pressing that there should be more and swifter Indianisation of the railway services in India and that the Indian Railways must encourage, of course within due and reasonable bounds, and must make it their goal, the purchase of stores in India in order that India may build up her industries. I feel, Sir, that a good deal of stress is always laid down on occasions like this on "efficiency." I know that this is being brought up every time whenever there is a question of any commercial department or indeed any department of the Government of India having to take up more Indians. I would only here repeat what Lord Lytton said "we do not employ natives more largely because they are not well qualified and they are not well qualified because we do not employ them enough." This is the vicious circle in which India has moved with immense patience for the last 50 years, and as far as the Railways are concerned for the last 75 years. India's patience is at an end and whether we have the separation of budgets or not, let it be understood without any doubt hereafter that Indians expect the Railways of India, which are the property of the tax-payer in India, to be worked commercially side by side, and, as far as that may be compatible, with their being the most important and national asset of India. I move my amendment.

Mr. President: I propose to adjourn the House till Half-Past Two, but before I do so, I will call upon the Home Member to make an announcement.

ALLOTMENT OF THE 24TH SEPTEMBER FOR NON-OFFICIAL RESOLUTIONS.

The Honourable Sir Alexander Muddiman (Home Member): With your permission, I should like to announce to the House that in reference to a request made earlier in the session the 24th will be allotted for non-official Resolutions.

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban): In allotting that day will the Honourable Member allot it also for discussing the Mercantile Marine Committee's Report?

Mr. President : No, it is a day allotted for non-official Resolutions and therefore you will proceed naturally by the ballot governing the business of the day.

Diwan Bahadur T. Rangachariar : I think non-official Members will agree to it.

The Honourable Sir Alexander Muddiman : My object was to meet the wishes of the House as regards non-official Resolutions.

Pandit Shamlal Nehru (Meerut Division : Non-Muhammadan Rural) : If any Bills remain over on the 23rd can they be taken up on the 24th ?

The Honourable Sir Alexander Muddiman : No, Sir.

Pandit Shamlal Nehru : May I suggest that it be allowed.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichnopoly : Non-Muhammadan Rural) : May I inquire from the Leader of the House whether in reference to my request to give some time for the discussion of my Resolution on the floods, he will be able to allot some time.

The Honourable Sir Alexander Muddiman : I had already said that a day had been allotted for non-official Resolutions.

Mr. President : In view of the fact that time is short, only seven days to the day allotted, the ballot list will open at once, and the ballotting will take place in one of the Committee rooms at 10-30 on Friday morning the 19th.

The Assembly then adjourned for Lunch till Half-Past Two of the Clock.

The Assembly re-assembled after Lunch at Half-Past Two of the Clock, Mr. Deputy President in the Chair.

RESOLUTION *RE* SEPARATION OF RAILWAY FINANCE FROM GENERAL FINANCE—*contd.*

The Honourable Sir Basil Blackett : Sir, the amendment which has been moved by the Honourable Sir Purshotamdas Thakurdas takes the form of an additional clause, but it is an additional clause which is also a conditional clause. The clause takes the form of saying that while the recommendations in the Government's Resolution regarding the separation of railway finance from general finance should be carried out, they should be carried out only if the Government accept certain additional recommendations ; that is to say, if the Government are unable to agree to carry out those additional recommendations, the proposal for the separation of railway finance from general finance falls to the ground—a proposal which in the view of the Government and in the view of the Honourable Member who moved this amendment is a very desirable administrative reform. But the greater part of the speech of Sir Purshotamdas Thakurdas was extraneous to the subject of separation of railway finance. He touched on that subject once at any rate when he said that he was a very strong advocate of this administrative reform, and yet he moves an amendment which has no direct connection with separation ; and the inability of the Government to accept which may result in the complete loss of this desirable administrative reform. I am very sorry that the issue has become thus clouded. This is an administrative reform to which I attach very great importance.

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I believe that it will effect a direct economy in the management of the Railways and that it will greatly assist in the stabilization of the general Budget. Sir Purshotamdas Thakurdas stated quite rightly that the reform is one which has been under consideration for nearly three years since the date of the Acworth Committee's Report. At the same time I would remind the House that the previous Assembly considered this matter and decided to adjourn it for a year and a half. It has already therefore been once postponed because of its difficulties by the Assembly. I may claim, Sir, that I have had a certain share in bringing this Resolution forward to the stage which it has reached at the present moment. It is one of the reforms in the financial system of India which attracted my attention from the very first ; it is one to which I have given a great deal of time and a great deal of trouble. Mr. Hindley as the business manager of the Railways has from the very first co-operated most enthusiastically with the proposal, and if it had not been for his support, it would not have reached the position that it has reached to-day. But at the same time it is essentially not a railway proposal any more than it is a financial proposal. At the risk of repeating what has already been said, I would like very briefly to go over the arguments for separation and set the position before the House in the form in which I see it. I begin from the principle that the taxation of communications is bad taxation. It is taxation which falls both on the producer and on the consumer. It raises prices for the consumer and reduces prices for the producer and it decreases the volume both of internal and of external trade. In the initial stages of railway development in a country such as India there are many arguments for paying more attention to the development of communications than to making the Railways pay, and that was the line that was taken by the Government of India in the earlier days of the Railways in India. But by general consent that stage has passed away, and we are all I think at one in the view that the Railways must pay their way. The Railways have the benefit of Government credit, and in so far as they are not Company-managed they do not pay income-tax. There is therefore sound reason for asking Railways to pay something over and above their expenses and their interest. But I think such a contribution should be a small one. And it should as far as possible be regular so that the Budget figures from year to year may not be disturbed by serious fluctuations due to temporary causes and the temporary causes may not prevent the railway authorities from pursuing a definite and deliberate policy. If the receipts in a particular year are less owing to special causes than had been expected, the general Budget should not have to fill up the gap, possibly by extra taxation, possibly by curtailing desirable expenditure in some other direction. If the receipts are larger, the general Budget should not be tempted to reduce other taxation, for example to give up some part of the Provincial contributions owing to some temporary excess receipts. Such reduction of taxation, such reduction of Provincial contributions, should be made out of a definite and recurring surplus of available income, not out of a temporary windfall. On the other hand, Railways cannot, even if it were desirable, increase rates and fares suddenly because the income of a particular year is less than they had reason to believe owing to temporary causes. Nor can they reduce them suddenly just because there is an exceptional and non-recurring increase. Nor is it desirable that Railways should have their expenditure curtailed owing to temporary causes due to the general position of the Budget unless there are very exceptional circumstances. What is wanted

is some approximation in India to what has been recently introduced in England, a standard railway revenue. The Railways should pay a regular but limited contribution to the State over and above their working expenses and interest. If they earn more, the surplus ought not to disappear in the general budget, but it ought to be credited to what I call in the first instance the Dividend Equalisation Fund, so that if in the next year receipts fall short, Railways might still be able to pay their contribution, and if receipts in the next year are again in excess of the contribution, that is a sign not that the Railways should pay an additional sum to the tax-payer, but that the time has come for reducing rates and fares. The Dividend Equalisation Fund then becomes a fund which enables the Railways to make good the temporary loss of revenue which invariably follows on a reduction of fares and rates. There is always a period during which the traffic is not increased to the extent required as the result of the reduction of rates to make up the loss in revenue. A reserve is also needed to meet the cost of any extra facilities or to enable the Railways to carry through a regular programme of renewals and extension. It is the absence of any such arrangement that has led to money being taken by general revenues during the war from Railway receipts and credited finally to general revenues. A good part of the money so taken did not represent any real surplus of earnings, but represented a depreciation of assets. It was impossible to obtain the materials required for renewals and repairs and maintenance and the lines, rolling stock, etc., were depreciating and could not be kept up to the mark, not because the money was not there, but because the materials for repair could not be obtained. Yet, the result of course was that there was a surplus of receipts over the actual expenditure and that went to general revenues. The state was really living on the depreciation of its assets. Such a condition of affairs is not only objectionable in that you do not know what you are really earning, but it disheartens the Railway authorities and is the last means to secure that they will work their undertaking economically. They will obviously spend their money on anything they can get at, rather than surrender it to the Finance Member. Let me sum up. The purposes of Railway separation are a stabilised budget, a stabilised railway revenue, the securing to the Railways of a real incentive to economise and to work on commercial lines, and the provision of the right conditions for maintenance of continuity in Railway policy and enabling rates and fares to be reduced the moment the opportunity arises and facilities to be increased without cost to the tax-payer.

Now, in considering these proposals, the House has rightly concentrated on two questions, the question of the amount of the contribution and the question of the control of the Assembly. The amount of the contribution is a question on which more than one view can reasonably be held. It would be possible to ask for a larger contribution than I am being made to ask for now. I confess my own preference for the rather smaller contribution that the Government originally proposed. But I am now quite ready to support the Resolution as moved to-day. But the view I would put quite shortly is that the question of the contribution is simply this. If you ask for more, the probability of an early reduction of rates and fares is postponed ; if you ask for less that probability is increased and the moment at which it is likely to arrive is hastened. That is really the only question that is left open in that matter. The question of the Assembly's control is much more difficult. It was an essential part of the Govern-

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ment's proposals that the opportunities for discussion both by the Railway Finance Committee and by the Assembly should be increased and the methods for exercising the control should be improved. I have no doubt whatever that the technical control under the Government of India Act will be greatly improved by the Government proposals. But the Assembly expressed doubts as to the indirect results and I now come to Sir Purshotamdas' amendment. He made the point that one of the results of agreeing to separation would be that in the event of a deficit, the Assembly by convention were giving up their effective power to meet the deficit by a demand on the Railways. That, Sir, is perfectly true. The Assembly are being asked—and the Government are proposing themselves, the Finance Department is proposing—that the Assembly and the Government should lay down the proposition that taxation of communications is bad taxation, that in the event of additional taxation being required, which God forbid, that that should be imposed by some more desirable method than that of taxing the Railways. We are asking the Assembly to agree to a convention that it will not in normal circumstances —obviously one cannot legislate for abnormal circumstances—that it will not in normal circumstances try to meet a deficit by taxing communications, by interfering with its Railway property. The question of Indianisation, the question of State management and the question of Stores—no not the question of Stores—are directly raised by this amendment. The first point that I would like to make about this amendment is that it has strictly nothing whatever to do with the question of separation—strictly—that is to say that as things stand, Government have theoretically the right to say that they will have no Indians in the Railways. They have theoretically the right to say that they will buy stores always in the cheapest market without any reference to the question of purchase in India. They have the right to decide without reference to the Assembly that they will create a Railway Company to take over a State-managed line ; they have that right now. If the Assembly refuses separation, the Government will still have that right. If the Assembly agrees to separation, the Government will still have that right. None of these questions are directly raised by the question of separation. They are all germane to Railways ; that is all they have in common. Now, let me take these three questions. As regards Indianisation, the Government have already announced that they propose to accept the recommendations of the Lee Commission which propose to Indianise to the extent of 75 per cent. the Railway Engineering service. I do not think the Assembly have any reason to complain against the Government in the matter of the pace of Indianisation of the Railway staff. The Government are moving at the pace that they think is conducive to the best result for Indianisation itself. There is no conflict of opinion between the House and the Assembly as to the desirability of Indianisation.

Sir P. S. Sivaswamy Aiyer (Madras : Nominated Non-Official) : Will Government agree not to transfer State-managed railways to Companies without the consent of the Assembly ?

The Honourable Sir Basil Blackett : The Honourable Member is again trying to mix up two subjects. I am always asking the House—I really do appeal to them—to try and deal with one subject at a time on its merits. It is just one of our difficulties that when we raise one subject, we always get off to another. I will now pass to the question of Stores

management. The Government and the House are, I believe, at one in that matter. We have agreed with the House and it is merely a question of getting the change made. There is no conflict of opinion between the House on that matter. So far as part (*b*) of this amendment goes—that the Railway services should be rapidly Indianised and further that Indians should be appointed as Members of the Railway Board as early as possible—there is no kind of difference of opinion between the Government and the House.

I now come to the question of State management. The Government are asked to give an undertaking that no Railway line now managed by the State and no line now managed by a Company whose contract may hereafter expire, should be handed over to Company management without the previous approval of the Legislative Assembly. Now, I may tell the House quite frankly, this is entirely an unreal issue. The Government are not willing—and I do not think any Government ought to be willing—to give an undertaking in the form that is asked for. I may also tell the House quite frankly that it is not in the power of the Government of India to do it, that is to say, so far as the undertaking is concerned. But what are the facts ? The Government have already stated that they have no proposal under their consideration at the present moment for the establishment of a Company to manage a State line. But Government have agreed with the House that, if at any time a Company is to be formed to manage State Railways, one railway or more railways, grouped or otherwise, that Company must be a real Indian Company with Indian capital. The Government are further willing, if ever a proposal for establishing an Indian Company with rupee capital is put forward to take over an existing line, to bring that matter before the Railway Advisory Council. They are perfectly willing that, if the Railway Advisory Council or any member of it so desire, an opportunity shall be given for that matter to be brought before the House. That is—and I say this quite frankly—as far as it is in the power of the Government of India to go. We therefore have reached this position. There is no real issue between us and the House on this matter that has anything to do with railway separation or the management of the Railways. I cannot conceive of any circumstances in which an Indian Railway Company with Indian capital would be willing to take over a State-managed line contrary to the wishes of the Assembly. The controversy is not a real one. If the House desires to make it a condition of separation that the Government should give an undertaking of this sort, then I have to say it frankly that we cannot do it. But, if the House really wants separation, then I do ask the House to consider whether they are really gaining anything by failing to get separation because they cannot get from us an undertaking which we cannot give. What is to be gained by postponement ? The plan is one which the Government are convinced is of great value to the Indian tax-payer and to the Indian users of railways. It is one which I gather, generally speaking, the Assembly is convinced is a desirable reform on its merits. I think it was only two days ago that the Honourable Pandit Motilal Nehru stated that administrative reforms were equally important with constitutional reforms. That is a doctrine which I particularly commend to this House, because, I believe, that the way to advance quickly on constitutional reforms is to pay a good deal of attention to administrative advance. The Assembly agree, I gather, that in itself this is a desirable administrative reform. But they ask that some additional promise should be given by the Government—an

[Sir Basil Blackett.]

additional promise which is not connected with the separation question in this sense that before and after separation the Government are in exactly the same position in regard to the matters about which they are asked to give a promise. They are asked—I do not want to put it unfairly—but they are asked to make a bargain. If the Assembly agree to a thing (they say) that the Government desire, why should the Government not agree to something that the Assembly desire? But why do the Government desire this? Because it is an administrative reform which the Government and the Assembly are agreed is a good one. Now, any Parliament can obstruct any Government. No constitutional system can work if there is obstruction. If any constructive efforts are to be made during this period of transition in the matter of administrative reform, they must be made in nearly every case by co-operation between the Assembly and the Government. If the Assembly is unwilling to assist in improving administration during the transition period, then the Government are forced into the position of just carrying on. They can only carry on. They cannot introduce any new constructive improvement worth speaking of. They have to carry on on old methods which may or may not be the best and which in many cases are not the best simply because, though they may have been suited to the period before there was an Assembly, they are not suited to the period now that the Government have to bring a considerable portion of their policy and a considerable portion of their finance before the Assembly for criticism and for approval. We quite realise the importance that the House attaches to these particular reforms that are mentioned in the amendment. I have said that the Government are entirely in sympathy with the Assembly on the questions in regard to the Indianisation. As to the question with regard to Company management, there is no real issue between us at all, except the absolute inability of the Government to comply with the wish of the House. Now, supposing we do not get this administrative reform, which is what, I am afraid, must result if this particular amendment is pressed in this particular form, who suffers? The tax-payer suffers, the user of the Railway suffers, the Assembly suffers and the Government suffer. The tax-payer suffers because he is in danger of continuing to be taxed by means of communications and because his railways are costing him rather more than is necessary. The railway user, which means practically the whole of India, suffers because an administrative reform which is desirable cannot be introduced. The Assembly suffers because these changes in the form that is proposed by the Government do offer them opportunities of very much more effective control over railway finance and over railway policy owing to the improvements in the administrative machinery which are proposed to be introduced under these reforms. And the Government suffer because it is not they who are, on the whole, the final arbiters in this matter. They cannot under the present constitutional system give the undertaking that is asked for. They are thrown back, if the Assembly press this amendment in the form in which it is proposed, on a simple *non possumus*, which is not in their power to alter. Their position as a Government is weakened because it is shown clearly that, so far as administrative reforms are concerned, the effect of the Government of India Act is to take away from them their power to do anything except to carry on under their present powers and to do that which they regard as in the interests of India as a whole. On this occasion, the Assembly agrees with them that this reform is in the interests of India as a whole.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Will the Honourable Member kindly explain why it is not in the power of Government to offer the assurance which the amendments ask for ?

The Honourable Sir Basil Blackett : I think the Honourable Pandit must realise that this really raises large constitutional issues. In the present transitional constitutional stage an undertaking of this sort is an undertaking which I do not think any Secretary of State, Labour or otherwise, would agree to be given. It is one which he could not give.

Pandit Madan Mohan Malaviya : Have you asked the Secretary of State for it ?

The Honourable Sir Basil Blackett : The Secretary of State and the Government of India are unfortunately not in a position to agree to this, and so long as the present transitional constitutional position lasts, that must be the position ; so that with the very best will in the world the Government are quite unable to go further than they have gone. I do appeal strongly to the House in this matter. Very little change will be required in the form of the amendment. It is only necessary that the form should be recommendative instead of conditional. If that change is made see what happens. The Assembly and the Government get the separation of railway finance from general finance, which they desire. The Assembly have taken an opportunity, and a very good opportunity, for pressing earnestly on the attention of the Government and of the Secretary of State their desire that particular recommendations should be carried into effect. If the amendment remains conditional, what happens ? I am afraid, so far as I can see, that separation of railway finance from general finance is not carried through, and the Assembly have not gained much in the matter of pressing this recommendation on the attention of the Government. I do appeal to this House to consider carefully whether it cannot either omit this amendment altogether or, at any rate, modify its form.

3. P.M.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor: Non-Muhammadan Rural) : Sir, I ask for a ruling from the Chair. I have given notice of an amendment, which is No. 31 on the Agenda that at the end of the amendment to Diwan Bahadur M. Ramachandra Rao's amendment clause (c) be added. Now I find that the amendment of which Diwan Bahadur Ramachandra Rao has given notice is identically the same as that which Sir Purshotamdas Thakurdas moved to-day.

Sir Purshotamdas Thakurdas : Oh no !

Mr. C. Duraiswami Aiyangar : It is to the effect that no railway line now under State management, and no railway line now managed by a Company whose contract may hereafter expire should be handed over to Company management without the previous approval of the Legislative Assembly, and that in the interests of more economic management the railway services should be rapidly Indianised, and further that Indians should be appointed as members of the Railway Board as early as possible. These are the two substantial items moved by Sir Purshotamdas Thakurdas and Diwan Bahadur Ramachandra Rao, and whether it is in the form moved by Sir Purshotamdas Thakurdas or Diwan Bahadur Ramachandra Rao, my desire is that my clause (c) should be added to it. I want a ruling from the Chair as to whether I will be in order in moving this.

Mr. Deputy President : I will consider the point.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, my Honourable friend, Sir Charles Innes, has been complimented on the very clear statement with which he opened his case this morning. I will now compliment him on another quality of his, and that is the promptness with which he adjusts himself to the atmosphere of the particular Chamber he is addressing for the time being.

While in this House my Honourable friend has tried to convince us that by accepting his proposals the Assembly will relax no authority which it possesses at present over the railway administration; in fact everything that the Assembly can do under the present constitution to regulate the policy of the Railways will remain intact. Just less than a week ago, while he was addressing the other House—the Council of Elder Statesmen—he observed as follows :

> "The dangers he saw in State management were the dangers that would inevitably arise as India became more and more democratised, and as the popular Assembly exercised more and more influence and control over the management of railways. It was no use saying that in India the popular Assembly would not attempt to exercise that control, for it was common experience that in all democratic countries the popular Assembly has interfered with the railway management, and it was also common experience that in all these democratic countries pure State management has been a failure. In view of this experience the modern tendency in democratic countries was to guard against those dangers by separating off the railway finance from the general finance and as far as possible getting their railways away from the interference of the popular Assembly."

I trust that we can flatter ourselves as being the popular Assembly in India, and here is set out the object of the separation of finances by the Honourable Sir Charles Innes when he explained his case before the other House.

Then he goes on to discuss the various alternative schemes which Government considered with reference to the future of State management; and later on he proceeds to observe as follows:

> "In view of the dangers already referred to (by him) they were not anxious to bolt the door against Company management in India (so that even now they are thinking of it), but they would not be able to carry out their arrangements because they would not take over the East Indian Railway till the 1st January and the Great Indian Peninsula Railway till the 1st July next.
>
> Regarding the separation of railway finance from general finance the Government had put forward two schemes, and if their proposals were accepted, many of the objections raised heretofore to State management would be removed altogether."

But I did not hear a single word this morning from my Honourable friend which would indicate that this was one of the objects he had in mind. On the other hand, he tried to convince us that the Assembly would lose not a title of power over the Railways.

Now, Sir, it is no wonder that, in view of such statements made by responsible Members of Government, there should be some misapprehension in the minds of people. I am aware of the feeling in the minds of some of our friends that once the Assembly commits itself to this position, it may lead in course of time to the Railways being altogether removed from the vote of this House and treated as a non-voted item just as the Army is. There is another apprehension also that as we are about to create a State within a State, the railways may hereafter claim somewhat of the status of what are now known as the Indian States—I will not say Native States—, and as in our own experience we have seen the President of the

Railway Board blossom forth into Chief Commissioner of Railways, there may be a time when we will have His Haughty Highness Mr. Hindley, Rajadhiraj of the Independent States of Indian Railways, who will refuse to answer our supplementary questions.

I would at once say that I do not share these apprehensions, and I will not deny that the present scheme has many attractions about it. I will also admit that the system of separation prevails in almost every other country where there is State management ; for instance in Prussia, Switzerland, Italy, South Africa, Japan and Canada. And I believe the latest State to adopt it has been Austria. But, Sir, in those countries the Legislatures have a real power of control over the Railways, just as over every other administrative department. Have we any such power yet ? Why is it then that my Honourable friend is anxious to force upon us this piece of reform, which, I am perfectly willing to admit, might fit in with the next instalment of constitutional reforms, when we are likely to have some sort of responsibility in the Central Government. Why not wait till that date ?

Now, Sir, my Honourable friend admitted that, so far as the capital portion of the rehabilitation programme was concerned, the Assembly stands committed to a programme of 150 crores, to be spent in five years, so that he has no ground of complaint as regard the capital expenditure for the Railways. That I believe is admitted by him. His complaint, so far as I could understand it, was that there was no similar security with regard to the revenue programme. Well, I do not know whether my Honourable friend has considered the possibility of getting this House committed to a scheme of revenue programme for five, or as many years as he likes, in a similar way as he got this House to commit itself to a capital programme for five years. I do not suppose there is any difficulty about that—

The Honourable Sir Basil Blackett: This is the scheme.

Mr. K. C. Neogy: I do not suppose that that constitutes the entire scheme.

The Honourable Sir Basil Blackett: Very nearly.

Mr. K. C. Neogy: Now Sir, I was rather surprised to hear him say that when in any particular year there are any unexpended balances in the Railway Department, they swell the surplus and are merged in the general revenues and that no part of it comes back to the Railways. Technically he may be correct in this statement, but Sir I dare say he has read paragraph 34 of the Mackay Committee's Report, where they pointed out that there is a good deal of misconception with regard to this so-called lapse system. I will not trouble the House with the details of their observations, but I will just read out one sentence where they say:

> "The greater the lapses for a particular year, the more is the Government able to allot for the next."

I do not suppose, in the face of this observation, there is any real force in the argument advanced by my Honourable friend on this particular head. Then Sir, I was very much surprised to hear him say that if we are to adopt this particular scheme, the general revenues would gain to the extent of Rs. 40 lakhs a year, which is the railway share of the extra tax on the steel imports, due to the Steel Protection Act. I really wonder how this extra amount comes to be contributed to the general

[Mr. K. C. Neogy.]

exchequer. Would it at all matter if we had no separation at all ? (*The Honourable Sir Basil Blackett* : "I should pay.") I should like to argue that point with the Honourable Member. Does it drop from the sky ? It is simply taking out money from one pocket and putting it into another; that is how I understand the scheme.

The Honourable Sir Basil Blackett : Perhaps I may be allowed to explain to the Honourable Member as he does not seem to be able to understand it. Before separation, the position is that the whole of the railway receipts come to general revenues. If they are reduced by 40 lakhs as the result of the Steel Bill and so on, the amount the general tax-payer gets out of the Railways is reduced by 40 lakhs. After separation the amount of the contribution is fixed, and if the House chooses to double the steel protection, the amount of the contribution is not reduced; the general tax-payer gets the same amount out of the Railways and the amount is taken out of the railway reserves.

Mr. K. C. Neogy : I am not concerned as to what particular amount the railways pay, but if we have no separation, that 40 lakhs will continue to be credited to the Customs side of revenue; what is the difference ?

The Honourable Sir Basil Blackett : I get it twice over, once in and once out.

Mr. K. C. Neogy : I do not understand that. Where does the additional amount come from ? Now, Sir, I do not want to oppose this scheme as a whole. As I began by saying, this scheme has undoubted attractions about it, and I do not therefore propose to proceed with these observations any further.

I will now turn to one aspect of the present amendment, and that is with regard to the Indianisation. Sir William Acworth, I find, has written a letter to the press very lately expressing his strong approval of the scheme of separation, and his regret at the report that this Assembly was about to reject it. Poor Sir William Acworth ! Perhaps he does not know how things have been getting on in this country since he left India. I find that in his Report, presented to the Commissioner General for Austria of the League of Nations, on the question of the reconstruction of Austrian State railways, he refers to his work on the Railway Committee in India and he observes as follows, page 14:

> "In India the railways almost all belong to the State, but the bulk of the lines have always been worked by private companies. A Committee over which I had the honour to preside reported two years ago that the existing company management should not be allowed to continue, and the Indian Parliament has now resolved that as each of the existing lines' leases terminate, the companies' lines shall then be taken over for direct management by the State."

He is evidently labouring under a misapprehension, and evidently he thinks that the proposition which I had the honour to move in the winter of 1923 was accepted by the Government—

The Honourable Sir Basil Blackett : As I told the Honourable Member, it is not a real issue.

Mr. K. C. Neogy : Even this proposition was opposed by the Government, and all that they would agree to was to take over the management of the East Indian and the Great Indian Peninsula Railway. They would not agree to this proposition which was laid down by Sir William

Acworth and the majority of the Committee after mature consideration. And what about his other recommendations ? He recommended that the Railways should be placed under the charge of a Minister of Communications. Have we any Minister of Communications in this House ? I find that the different departments that would have gone to constitute that portfolio have been distributed between my Honourable friend Mr. Chatterjee and my Honourable friend Sir Charles Innes. Was it because, if his proposal, which I may say was also supported by the Inchcape Committee, was put into effect, then either the Railways or Commerce would have to be given over to an Indian Member of the Executive Council ?

The Honourable Sir Basil Blackett : What has that got to do with separation ?

Mr. K. C. Neogy : I am coming to Indianisation, and this is how I begin. I want to show that the attitude of Government with regard to railway policy has been anti-Indian in every sphere, beginning from the top, and down to the subordinate ranks of the railway service. Then, Sir, even this morning we had a crop of questions, which I believe my Honourable friend Mr. Hindley found it rather uncomfortable to answer. (*Mr. C. D. M. Hindley* : "Not at all.") At least he could not answer some of them. I need not labour this point any further because seldom does a day pass in this Assembly when we have no questions regarding the racial discrimination in regard to the conditions of service on the Railways. Sir, I find that a recent contributor to a literary magazine has taken the trouble to calculate the percentage of increase of Indians employed in the higher grades, in the different departments of the Railways in the years 1907 and 1923. There he points out that in the engineering branch the percentage of Indians employed in 1907 was 7 per cent. while in 1923 it rose to 23 per cent.—that is in 14 years. In the agency it rose from 0 per cent. to 0 per cent.; in the traffic from 7 per cent. to 24 per cent, in the Loco. from 0 per cent. to 3 per cent.; in the Carriage and Wagon department, from 0 per cent. to 0 per cent.; in the Stores from 11 to 12½ per cent.—a total of from 5½ per cent. to 19 per cent. And he points out that the Agents' Office and the Carriage and Wagon Department still remain closed to Indians, that in the Loco and Stores Departments, there is an infinitesimally small increase, and 16 per cent. in the engineering and traffic lines in a period of 16 years. He points out that the Islington Commission recommended in 1915 that the Loco branch should be entirely Indianised, that there was no Indian officer then in this department and that 8 years' progress towards the Islington ideal is represented by 2 Indians out of a total cadre of 72. Reference has been made to the recommendations of the Lee Commission. I am free to admit that those recommendations go to a certain extent towards the ideal of Indianisation. But, Sir, the Lee Commission report is not concerned with the subordinate departments at all, and it is a notorious fact that the subordinate departments of the Railways are overweighted by a particular community (*A Voice*: "Are they not Indians ?"), and in the elaborate report that we have got with regard to the training of railway officers and subordinates in India by a gentleman belonging to the Locomotive Department of the State Railways we find that he has succeeded in making out a case against Indians generally. (*A Voice* : "No.") He evidently thinks that Indians will not do, so far as the subordinate establishments are concerned. He says:

> "It is at the present time difficult to find Indians with the personal qualities that make efficient chargemen and foremen."

[Mr. K. C. Neogy.]

I wonder what those personal qualities are.

Then he proceeds:

"At the present day, therefore, the bulk of the upper subordinate appointments are held by domiciled Europeans and Anglo-Indians."

Lieut.-Colonel H. A. J. Gidney (Nominated: Anglo-Indians): As Statutory Natives of India Anglo-Indians are now Indians.

Mr. K. C. Neogy: Yes, when the question of Indianisation comes, but not when the question of pay is concerned. Anglo-Indians claim to be treated as Europeans when the question of pay comes up, but when it is a question of Indianisation and getting more loaves and fishes of office my Honourable friend will claim to be an Indian. When it is a question of—I do not know whether I should mention it, but as my Honourable friend has interrupted me, I think I must refer to the Tundla case. When the question of administering flogging to convicted criminals of his community comes up—

Mr. Deputy President: I would advise the Honourable Member not to be interrupted and I would ask him to go on with his remarks. His time is already up.

Mr. K. C. Neogy: I am very sorry that my Honourable friend interrupted me in the way he did. He ought to have been aware of the weakness of his position. Getting back to the subject, Mr. Cole proceeds:

"At the present day, therefore, the bulk of the upper subordinate appointments are held by domiciled Europeans or Anglo-Indians, and having regard to the material at present available in the lower grades of the service, no responsible railway officer could recommend a very early change in this position."

That is how Indianisation stands, that is what we are asked to pin our faith to by the Honourable the Commerce Member.

(At this stage the Deputy President vacated the Chair which was taken by Mr. President.) Sir, I believe the basic principle of this scheme is that the Railways ought to be treated as a business proposition. Is the railway a business proposition when you find that you pay more salary to members of a particular community for doing exactly the same thing for which you pay much less to Indians? Is that a business proposition? Now, Sir, the Honourable Sir Basil Blackett made the astounding statement that no Government anywhere in the world can give the undertaking that this amendment seeks. Is there any Government in the world which can afford to defy the popular will as the Indian Government can? I believe my Honourable friend has heard of contracts being placed before the House of Commons for their ratification. It is very difficult to have patience when arguments like these are advanced by responsible officers of Government. I for my part fail to see what is there that can prevent Government from accepting this amendment. That merely goes to substantiate the suspicions that are undoubtedly lurking in the minds of many of us here. Now, Sir, my Honourable friend claimed that this scheme would do away with the violent fluctuations to which the general budget is subjected by reason of the inclusion of the railway profits which vary considerably. Like my Honourable friend, I also do not understand preambles and I do not like the strong adjectival flavour of this particular preamble "violent fluctuations" and other things.

The Honourable Sir Basil Blackett: They happen to be true.

Mr. K. C. Neogy : I think it would have been far more correct to say that this scheme was necessary for the purpose of relieving the general budget from the manipulations of which the Finance Member is capable—that would have been the more correct description, because I dare say that what my Honourable friend has in mind is the war period when the so-called railway profits rose to a very high level. Was that due to any normal circumstances ? Was it not due to the fact that certain items of expenditure were postponed, and by reason of that fact we had a bloated figure shown as the railway profits. That is not an inherent defect of the system. I think that it was necessary, in the interests of Government, to have a bloated budget during the war period. That gave the impression of an unusual financial prosperity in this country, and my Honourable friend's predecessors quietly annexed much more from the railway earnings than they were entitled to. In fact, the evils from which we are suffering at present—the high rates, the additional railway loans, and other things, are directly attributable to that action of theirs. I therefore say that it was more on account of the manipulation resorted to by the then Finance Members and the Government that the general budget was subjected to such violent fluctuations, particularly in the war years. With these words I beg to support the amendment.

Mr. H. G. Cocke (Bombay : European) : Sir, in a railway debate one of the objects of the speakers should, I think, be to keep on the rails, but my Honourable friend on my left succeeded in getting off fairly often. This is a business proposition. We are seeking to separate the budget of the Railways from the general budget because in the past we have been running our railway accounts on a system which is bad. I do not propose to go over the ground which has already been gone over very carefully by the two Members of the Government opposite but I think it is obvious to anybody who has gone over these papers, that to carry on with the present system of railway accounts is absolutely impossible. If we do it, we are going to hamper the future development of the Railways, and if this proposition is not passed, we are going to set back the clock of Railways for very many years to come. Really the question comes down to this. Sir Purshotamdas Thakurdas has put down an amendment which accepts the whole of the proposition of the Commerce Member but seeks to add two qualifications. Therefore any discussion on the merits of the actual separation proposals, provided Sir Purshotamdas Thakurdas spoke, as he said he did, for his party, does not seem to be very necessary. The proposals are accepted by this House, I take it, as a whole, but it is sought to add the two qualificationes. Under (*a*) we are told that the proposition cannot be accepted unless Government agree to the proposition that no railway line now under State management and no railway line now managed by a company whose contract may hereafter expire should be handed over to Company management without the previous approval of the Legislative Assembly. Well, it has been pointed out by Sir Basil Blackett that this is a proposition which is practically beyond the power of Government to accept and therefore it seems to me that if that can be modified as suggested, so that the last few words read " without previous reference to and discussion by the Assembly," that will enable the Assembly to express its views on the particular proposal when it arises and we shall not now be putting before the Government a proposition which they cannot agree to. But the main point, I think, perhaps lies in (*b*) in connection with Indianisation.

[Mr. H. G. Cooke.]

Well, the Railways, as we know, constitute a technical service and it may be the rate of Indianisation in Railways has not been so rapid in the past as has been the case with some other departments of the administration, but I think it may reasonably be expected that Indianisation in the next five years will be much more rapid than it has been during the past five years. As regards the figures given by Mr. Neogy, he has pointed out that there has been practically no progress in Indianisation in certain departments of Railways. That of course is due to the fact that they are the more technical and the more advanced departments, but speaking generally, as shown by his figures, there has undoubtedly been progress. There will be very much more progress in the future. As regards the point raised by Sir Purshotamdas Thakurdas this morning, he pointed out that if the Finance Member of this country were faced with a deficit of 1½ crores and it was desired by this House not to go in for any further taxation but to meet the deficit of 1½ crores by cutting down expenditure, then, if the Finance Member were asked to cut 50 lakhs off the Railways, it would not help his deficit because his contribution from Railways is fixed and the cut of 50 lakhs would accordingly go to swell the reserve. That, I believe, is not disputed. But this separation is merely a convention. This is an agreement. It is not absolutely binding and if we are going to have another war or some abnormal circumstance, it is obvious that this arrangement—this convention—could be departed from in exceptional circumstances. It seems to me that that contingency of a large deficit is not likely to arise, but if it does arise, it will probably not be sufficiently serious to make it necessary to go to the Finance Member and ask him to reorganise his scheme. It is very essential that the Railways should have the benefit of the profits for future developments, profits which they have not had the benefit of in the past.

Mr. C. Duraiswami Aiyangar : I do not profess to have in the best part of my life dabbled with commercial finance as Sir Purshotamdas Thakurdas. My life has been spent only in calculating fees and outfees by the simple rule of arithmetic. However, Sir, I am obliged to say a few general words as a layman, as an ordinary passenger. When I view the observations of the Honourable Sir Charles Innes and Sir Basil Blackett in dealing with this question, looking upon the railway administration as a purely commercial concern, I am startled to find what the fate of the ordinary passengers will be in this country if that view of the commercialisation of the administration is taken up seriously. Sir, I consider that it is too early in this country to think of railway communications purely from a commercial point of view, purely from a *sowcar's*, purely from a usurer's point of view calculating how much dividend or interest it will produce and proceed entirely upon that line. I think, Sir, it does not do much credit to the railway administration in this country that in a vast country like this there should be only 37,617 miles of railway line whereas in a country consisting of one-fifth of the area of this country, the United Kingdom, there are already 24,850 miles of railway line. Sir, the Honourable Sir Basil Blackett has stated that Sir Purshotamdas Thakurdas was not moving an amendment which is relevant, which is germane to the subject of the separation of railway finance but to me it seems perfectly pertinent and relevant that when this Assembly is called upon to decide the separation of railway from general finance, it should impose on such a separation certain conditions

which will safeguard the powers of control of this Assembly. In one breath the Government Members assure us that the power of this Assembly will not in any way be taken away and in another breath they say even if such innocuous amendments are put in they will be prepared to withdraw the Resolution altogether. Sir, I will meet the threat which the Government Members offer. I think the Assembly is bound to stick to its policy of keeping up its control and if it is innocuous, we must plainly ask them why you should not accept the same. The Honourable Sir Basil Blackett has also stated that if the Assembly wants more contribution from the railway management, from the railway communications, then the reduction of fares will be postponed. If they ask for less, it will be accelerated. I fail to understand whether that is the only alternative for giving relief to the poor passengers of this country. There is yet another method by which you can certainly reduce the fares and that leads us to the question of retrenchment and that in its turn leads us to the Indianisation of services and to the Indianisation of purchases. The Honourable Sir Basil Blackett in his speech has told us that theoretically it is open to the Railway Board to refuse to take any Indian, theoretically it is open to the Railway Board not to purchase any stores in this country but to purchase wherever they please. At the same time, along with this threat, he also gives us some coaxing words, saying that as a matter of practical policy they have already resolved to Indianise the services and they have already resolved to make their purchases in this country. Sir, we are duly assured that attempts will be made to see that the expenditure on Railways is as far as possible made in this country ; but when Sir Charles Innes appeared before the Imperial Economic Conference he gave an encouragement to his own countrymen there as you will find on page 54 of the report. He says :

"Large sums have been set aside for the rehabilitation of our railways and I hope that we may be able to embark on some new construction. On railway material alone we spent last year, almost entirely in this country, more than 8½ million sterling. Several development schemes are in contemplation and in one way or another the Government estimate that something like 70 million sterling will be spent on imported stock during the next five years for the railways and for development schemes. As in the past so in the future I have no doubt that the skill and enterprise of British manufactures will see to it that the vast bulk of their monies will be spent in this country."

Sir, with this hope, this assurance which he gives to his own countrymen there, here we are assured that all possible steps will be taken for Indianisation of purchases. This morning my Honourable friend Mr. Neogy put some questions on this identical matter, question No. 2135, in which he asked amongst other things :

"(*f*) Will Government be pleased to lay on the table any order, circular or correspondence on the subject of purchase of stores in India and from the Stores Department by (*a*) State-worked, and (*b*) State-owned Railways ?

(*g*) When do Government expect action to be taken on the matter of stores policy and with regard to the passing of all indents through the Indian Stores Department, so far as the purchases for railways are concerned ?"

To these two questions the Honourable Mr. Chatterjee has given this answer. As it was too long to be read he did not read it, but as I will only read two portions of it I hope the Assembly will permit me to do so :

"(*f*) In their letter No. 1644-S., dated the 28th May 1924, the Railway Board addressed the State-worked railways, impressing on them the importance of carrying out the policy laid down in the new Stores Purchase Rules, a copy of which is available in the Library. The Railway Board also sent copies of the new rules to the

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Agents of Company-worked railways. The Board have no doubt that the policy of the Government of India will be given full effect to on those railways. In their letter No. 2574-S., dated the 18th August 1924, the Railway Board drew the attention of the State-worked railways and also the East Indian and Great Indian Peninsula Railways to the desirability of making greater use of the Indian Stores Department in respect of the inspection and purchase of certain classes of stores."

With reference to part (*g*) he closes his answer by saying :

"The action taken by the Railway Board, which will be clear from the letters addressed to Agents of State Railways and to the Agents of the East Indian and Great Indian Peninsula Railways, dated the 18th of August 1924, to which I have just referred, will, the Government of India feel sure, lead to a considerable expansion of the practice of utilising the services of the Indian Stores Department for the purchase of railway stores."

These, Sir, are sweet theories. Both in answers to questions and in speeches they give us sweet assurances that this policy of purchasing Indian stores from Indian manufacturers will be followed and expanded. But, Sir, when we come to practice we do not find the same translated into action. We find that in the year 1922-23 out of all purchases made 69 lakhs of imported materials were taken, whereas the indigenous materials purchased were only 9.17 lakhs. Sir, it is with a view to seeing that as far as possible the Indian manufacturers are encouraged, in order that our further productive capacity is encouraged, further factories for railway materials are started and developed and further workshops opened—it is with this view we repeat times without number that the Indian Stores Department must be in control of these purchases ; and that Department must take and expand the policy of making purchases here. If you are not going to do that, if you are not going to develop further industries for the supply of railway materials, if you are not going to develop such industries in this country, how are you going to reduce the rates of fares and give relief to the poor passengers of this country. They are already very heavy and when we complain you say that in other countries it is much heavier, and therefore in this country we must thank our stars that the fare is only three pies a mile in the case of ordinary passengers. But, Sir, it has been worked out by an authority on the subject. He says :

"Taking the average earning in India of eight annas for unskilled labourers, for an expenditure of one day's earning he can travel 26 miles. Whereas in the United States of America where the average wage is Rs. 6 a day, he can travel 61 miles spending the whole earning of one day."

You are also aware that the passengers in this country do not travel for the purpose of earning, and on the other hand most of them travel for the purpose of spending. If you look at the statistics of Indian passengers it will be seen that a very large percentage of them are persons who carry out pilgrimages from one end of the country to another. If you are going to raise these fares and not give an assurance that they will be reduced by an economic and retrenchment policy, that practically means that you are taxing our religion, and by imposing a pilgrim tax you are doubling and trebling the taxes on poor pilgrims. This is not a country in which people travel from a materialistic point of view ; a large percentage of the passengers travel for the purposes of their religion. Therefore I would ask the Government not to consider their railway policy, at any rate at this stage of the railway administration, from a purely commercial point of view, but consider it with a view to public convenience more especially of the poor people of this country.

So, Sir, with these few words I request a ruling from the Chair upon the point which I put to the Honourable the Deputy President when he was in the Chair. The question which I put was that I gave notice of an amendment, No. 31 on the printed list, as an amendment to the amendment of which Diwan Bahadur Ramachandra Rao gave notice. I find that Sir Purshotamdas Thakurdas included the very same items, the very same terms, which Diwan Bahadur Ramachandra Rao has given notice of. But he makes it a condition whereas Diwan Bahadur Ramachandra Rao calls it a further recommendation. But so long as the Resolution is amended by adding a further recommendation or condition, I think, Sir, that it goes as part of that amendment. If I am in order I will move the amendment standing in my name. If I am not in order I will stop.

Mr. President: Am I to understand that the Deputy President gave no ruling?

Mr. C. Duraiswami Aiyangar: He said he would take time and in the meanwhile he wanted Mr. Neogy to proceed. Before he gave his ruling he vacated the Chair.

Mr. President: The Honourable Member's amendment, No. 31 in the new list, can be moved.

Mr. C. Duraiswami Aiyangar: Then I move, Sir:

"That at the end of the amendment moved by Sir Purshotamdas Thakurdas, the following clause be added:

'(c) and further that the purchase of stores for the State railways should be undertaken through the organization of the Stores Purchase Department of the Government of India'."

Dr. L. K. Hyder (Agra Division: Muhammadan Rural): Mr. President, I shall not take up the time of this House by dwelling on this subject for a long time. I wish I could speak at greater length but my voice fails me. There are a few matters to which I shall refer in this short speech. First of all, I must compliment the Honourable Member for Commerce for his masterly survey of the railway problems and his masterly exposition of the subject which is embodied in the Resolution he has placed before us. Before I take up the amendment moved by Sir Purshotamdas Thakurdas I wish to refer to one matter and I wish to draw the earnest attention of this House to that matter. Well, it has been said that there are dangers of political corruption in a democratic House. This House, Sir, is not fully democratic, but it is well that this House should be told that in any commercial undertaking managed by the State there are undoubtedly dangers of the corruption of the public life of a country. I hope and I wish that this House will soon become a democratic House but none the less, Sir, it would remain true that what has happened in other countries might happen here also. I refer now particularly to the Railways as they are managed in other countries. You might ask me to give instances; I shall give you instances. No one can say, comparing legislative bodies, that the British House of Commons is behind other Houses as regards purity of public life. Well, Sir, particularly in this matter of railways, a Committee was appointed in 1907 at the persistent demand of English farmers. They said that the rates charged to American produce from Liverpool to London were much lower than the rates charged to the produce which was brought to the railways from intermediate stations between London and Liverpool. Well, Sir, the Government took up this question and the Committee

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established the fact that the arrangements by which the Railways were compelled to charge lower rates for longer than for shorter distances, were forced on them for the reason that otherwise the produce would have taken the all-sea route. Well, Sir, this is one instance. Another instance I shall give you, and that is a colossal instance of the dangers that might arise in a democratic House if it is pressed by sectional interests. I refer to the dangers in America ; they are known to everybody. I shall refer to a third instance, that is, the Prussian railways. They were ably managed, they brought in a handsome amount of money, but during the last six years, not on account of the depreciation of the mark but chiefly because Prussia had a vast army of railway employés and they had increases of pay and other concessions, the railways became a burden. Well, I wish to draw this conclusion that what is true in other countries holds true here also so that if Sir Charles Innes makes a statement in another House that State-management undoubtedly has dangers of its own, I say that he was putting forward an argument which is known to every economist and that no fault could be found with him on that account. But this is an extraneous matter. I have referred to it because it was referred to in a speech by one of the Members of this House.

Now, Sir, coming to the Resolution itself, I would say this that the Government appointed a Committee and the Committee was equally divided as regards this question of State management *versus* Company management. The Committee—leave that question alone—did recommend one thing, that it was absolutely essential in the interests of this country that these fluctuations upwards and downwards should be put a stop to and that the railway administration must be run on commercial lines, that is to say, they must know what they are going to spend, they must know what they have in hand so that they may carry out their projects. For that purpose they recommended the separation of railway finance from the general finance of the country. Well, Sir, that recommendation is embodied in this Resolution, and it was a surprise to me to find one of the Members saying that the Government have not carried out the other recommendations of that Committee. Well, Sir, here is one recommendation which is placed before this House, and I address this question to the Members of this House : " Are they dealing with the proposal on its merits ? Are they in a reasonable frame of mind, in which they wish to carry out an administrative reform which is so eminently desirable ? I do not know. In view of the vast amount of property that is at stake, with a view to its better and economical management, I do hope that this House will come to the conclusion that this highly desirable administrative reform should be carried out.

Now, Sir, coming to the amendment moved by the Honourable Sir Purshotamdas Thakurdas, the Honourable Finance Member has said with regard to clause (*a*) that the discussion is unrealistic. I wish to add that I should not think it probable that a Government Department which has got the management of the Railways would willingly, light-heartedly hand over a concern which is its chief basis of activity. If they hand over the railways to a Company, then what have they got to manage ? They cut the ground from under their feet so that they have not got much to stand upon. That is one general consideration which applies to this safeguard which is brought in here and attached to the Resolution moved by Sir Henry Moncrieff Smith. The other thing is this, and

that is also a general consideration. I doubt it very much if the Government of India with their traditions, that is to say of a paternal Government, of managing everything themselves, would be prepared lightheartedly to part with the management of a concern which they at present manage themselves. On account of their intimate association, on account of their direct activities in the past, on account of the fact that the Government of India do not lightly part with what they have, I should think the remark, made by the Honourable Finance Member is true that we are simply fighting over nothing, over things which do not exist.

4 P.M. Now, Sir, with regard to No. 2, Part B, I sympathise whole-heartedly with this question of Indianisation and I do hope that a time will come when the Railway Department of the Government of India would recognise that there is enough talent in this country and they would also give an opportunity to young Indians, who have worked up their way in the Railway administration of the country, to find a place on the Railway Board. I do wholeheartedly sympathise with the latter part of the recommendation contained in the amendment moved by Sir Purshotamdas. But I say this that this separation of the railway finance is a desirable thing. If you wish to Indianise, fight on the general issue. There you can win it and the thing would apply by itself to the Railway Department. It would not be a solitary department which would remain a high and holy mystery when compared with other departments ; it would be Indianised. But the interests of this country demand at the present time that the Railways be put in possession of the money that they require, that they be allowed to manage the concerns on commercial lines and that this House should require annually an account from them of how they manage the property which is entrusted to them. I do not think that this Resolution either adds to, or detracts from, the powers which this House already enjoys and any postponement of this highly desirable administrative reform would be a thing which would be costing an enormous amount of money to the people of this country. Let me tell you how the ordinary man in the street feels about it. You overhear conversations very easily. Two days ago I was moving to my hotel and I heard two poor men coming behind me saying to each other "Well, we cannot go to Delhi, because the railway fares are high." I would appeal to this House. It might be a small matter to Members of this House, but I say to the millions of people, to the 320 millions of people, it is a vital matter whether your rates are high or low ; and you could determine this easily by embarking upon this experiment which is provisional for three years and you could haul up the Railway administration and tell them "We gave you a free hand and your railway rates have not shown a tendency to move this way or that way."

Mr. Jamnadas M. Mehta (Bombay Northern Division : Non-Muhammadan Rural) : I think Sir, Government will admit that the House has taken a keen interest in the question of railway administration, and if the House has been unable to agree with the proposition of Government, the reason is that in this country to-day everything is looked through the question of more power for the people over the executive. That fact dominates every other consideration, and I agree with the complaints made by the Honourable Sir Charles Innes, by the Honourable the Finance Member, by my Honourable friend Mr. Cocke and other Members

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that while Indianisation, store purchase and other things are important in themselves they have nothing to do with the question of separation as such. That is perfectly true. The debate has gone on as if we were discussing Indianisation and stores purchase. But, as I said before, in this country to-day, every question whether it is administrative reform or any other question, is looked through the question of more power to the people over the executive and Government must not complain if, until they expedite their own consideration of these questions, they continue to be confronted by these somewhat irrelevant discussions on the questions before the House.

Now, Sir, I hope the present system of Railway management has got no friend in this House. The mixing up of railway finance and general finance is the worst possible combination that one could imagine, and the pronouncement of the Acworth Committee on that unhappy combination is so telling that it is unnecessary, any further to argue about it. It does really hamper the development of Railways and consequently of trade and industry. It does paralyse enterprise. It does entail loss on the finances of the country and it has also induced an element of instability in our finances. I am sure every Member of this House is perfectly convinced of the viciousness of the present system and desires the separation of railway finance from the general finances of the country I was struck by the instances given by the Acworth Committee of the evil results of the present system. It is stated in the note prepared by my Honourable friends Mr. Parsons and Mr. Hindley that at times, because they could not spend a particular amount out of revenue for want of a budget grant, all capital expenditure that had been undertaken actually came to nothing. Lakhs and crores of capital expenditure would be of no good, if a few hundreds or a few thousands of revenue expenditure could not be undertaken in the absence of a budget grant; enormous capital stock was lying idle, we had to pay interest on it, it was getting depreciated and we were earning nothing on it. All for what? Because of this mixing up of Capital and Revenue expenditure under the present system. Moreover, Sir, the Railways have a tendency under the present system—an unmistakable tendency—of becoming irresponsible. If they get huge surpluses, they are taken away by the Finance Member. If they make a loss, it is to be made good by us; and any person or institution in this position is bound to be demoralised and cannot work up. For these reasons, Sir, if it could possibly be done, Government should consider whether they cannot come to some understanding with this House on the other questions that have been raised, so that separation which is absolutely essential to-day for the proper working of our railway administration may be accomplished. But separation is the beginning, not the end. Separation is for the purpose of commercialisation, not for itself. I do not find, I am sorry to say, in the Government proposals anything except the question of separating Capital and Revenue Expenditure,—anything else which shows that they themselves are quite prepared to commercialise the Railways. Can anybody imagine that you will pay in addition to the interest any additional contribution on the capital in a commercial concern? Is it commercialisation? Why are you paying this 5-6ths per cent. and now 1 per cent. on the capital at charge. That does not show that you want commercialisation of Railways. Does any com-

mercial institution ever pay anything except the interest on the debentures and loans ? The Acworth Committee definitely told us that it was undesirable to pay anything excepting the interest on the loans, and yet we find that Honourable Members think that they have scored something over Government by getting the contribution increased to 1 per cent. from 5-6ths per cent. They cannot be unaware that it will come from the tax-payer. The traveller will pay it, the commercial community will pay it, the trading community will pay it. Government do not bring it from England. They do not pay it out of their own pocket. This increase of contribution shows that Government themselves while talking of the commercialisation of Railways, are quite willing to bribe this Assembly for the purpose of securing more separation. It is anything but commercialisation. Let us proceed further. Even the other proposals do not show that except separation they have any idea of the commercialisation of Railways. What does commercialisation predicate ? What does it involve ? It involves that you will follow strictly commercial methods in the working of your institutions. In a commercial institution, Sir, the services of people are engaged on quite different terms. They are not in the nature of public servants as our Railway officers are. The railway service is organised as a public service, and under the present proposal of the Government it will continue as a public service and not as a commercial service. A commercial service indicates that you will insist on results being shown by your servants and if they cannot, you either dismiss them or remove them or degrade them. Under the present system, the members of the Railway services are secured of a graded increase in their salaries from the very beginning of their careers right up to the end. Their pensions are secured and are proposed to be increased under the Lee Commission's Report. It will thus be seen, Sir, the present railway service is anything but a commercial service. We never have such a thing in a commercial institution of servants being assured of a certain salary which is regularly increased year after year and which is likely to be increased if some Commission recommends it. No commercial institution can ever flourish if it continues to pay to its servants whether it makes a profit or incurs a loss. It is the commercialisation of the service which the Government ought to propose and not the mere separation, of Capital and Revenue expenditure. Unless you have got any definite proposals for further stages of commercialisation of Railway management, the mere separation of Capital and Revenue expenditure will not do.

Thirdly, Sir, what control has the Assembly got on the question of rates and fares ? Unless the Assembly can see that the rates and fares will be regulated according to the capacity of the country and according to the requirements of trade and commerce, the Government will be ready to pay any contributions to the Assembly that we insist and will then necessarily continue the present high rates and fares. Is it known to the Government that on account of heavy rates many commercial institutions are suffering to-day ? Therefore, unless you agree to have some tribunal to decide and to regulate the rates and fares, a tribunal which will be under the control of the Assembly, it will be useless to have mere separation because you can go on in the same extravagant manner as you have been hitherto. There is no incentive to you, apart from your own honest intentions, to economise, to retrench or to see that you improve the results of your concern. In the absence of these things no contribution, commercialisation of service and constitution of a rates

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and fares tribunal—which are real commercialisation, it is useless for Government to say that their proposition is any attempt at securing better results than we are having at the present time. The result of this uncommercial and unbusinesslike proposal which the Government have made will be as Mr. Parsons has suggested in one of his notes, with regard to another question that the State management will be discredited and it will be an argument for reverting to the Company management. Unless Government really try to commercialise their railway management on the lines I have indicated, the argument for Company management will receive a strength of which the Assembly cannot possibly have any idea to-day. Therefore, Sir, I do hope Government will do something more than a mere separation which is merely a mechanical separation and which does not mean commercialisation. I have heard over and over again in the discussion to-day that high rates and fares are a tax on transport, on communications, and yet I find nothing in the machinery which Government have proposed that will achieve better results and lead to a reduction of rates and fares. As the separation which Government have suggested does not mean commercialisation, the argument for Company management will be strengthened. Therefore, the undertaking which Sir Purshotamdas Thakurdas asks that you shall not transfer any railway to Company management is wholly necessary, because the inevitable result of your present proposal will be that State management will be discredited.

Sir, I have nothing more to say except that it is still possible to arrive at some understanding in order to relieve the Railways from living from hand to mouth. At the present moment, they have no depreciation fund and no reserve fund. One writer has said that powerful as the Government of India is, the law of physics and statics and mechanics is still more powerful. Unless they can get some reserves for depreciation and other purposes, the railway management will continue to be in the present unsatisfactory position.

Seth Govind Das (Central Provinces : Landholders): I move, Sir, that the question be now put.

Mr. C. D. M. Hindley (Chief Commissioner, Railways) : Sir, I had not intended to intervene in this debate after the turn which it took this morning. Sir, I am not politician. I understand very little about politics I do my best to be a plain railway manager. The various convolutions, evolutions and the difficulties which seem to beset this question since it came before the House have rather bewildered me and I have no doubt that a great many Members of the House are themselves bewildered by what has happened. I am extremely disappointed, Sir, that this case, which we have taken a great deal of trouble to put clearly before the House, has not been considered on its merits for one minute during this debate. I have not heard any arguments or any criticisms directed towards the proposal that we have put up or any alternatives put forward to achieve the same object. It is, therefore, extremely difficult for me to put my case as I should have liked to put it if the debate had not taken a definite political turn. I presume I am right in my reading of Sir Purshotamdas Thakurdas's amendment. Sir Purshotamdas Thakurdas who is a business man of very great reputation in India, has urged over and over again the separation of Railway finances. He was a member of the Acworth Committee which strongly recommended early separation.

Sir Purshotamdas Thakurdas : So I do to-day, only with certain precautions and other safeguards.

Mr. C. D. M. Hindley : So he does to-day ! So we have heard him supporting in this House the motion and at the same time laying before Government conditions which have no connection whatever with the proposals of Government. These are the conditions which he says must be attached to a convention. I do not wish to pursue this subject because I shall get on to political ground where I do not want to get. I am quite sure that Sir Purshotamdas Thakurdas himself realises that the conditions which he has laid down cannot be accepted by Government, and therefore he has adopted this method of throwing out separation. That is my reading of it, Sir. I have already said that I am not a politician ; I am a railway manager. But I see that the constructive work we have put in over this business during the last 18 months is about to fall to the ground on purely political considerations. That, Sir, I think, is an interesting fact and I have no doubt that our friends the Press will duly communicate that fact fully to the rest of the world. I am quite sure Sir Purshotamdas Thakurdas will like it to be repeated in London and will also like his own friend, Sir William Acworth, to know what has been the result.

Sir Purshotamdas Thakurdas : According to Mr. Hindley's opinion !

Mr. C. D. M. Hindley : I have not expressed any opinion. I am simply giving the facts. Now, Sir, if it is not too late, I should like to say just a few words in my capacity as a railway manager. I have put myself, as the Honourable Sir Basil Blackett kindly said, heart and soul into this scheme from the very beginning. I have a good deal of experience of the present system. I had the honour of being in very close contact with Sir William Acworth in the early part of his visit to this country, and was able to give him a great deal of first-hand information about the actual detrimental effect of the existing system of finance on the Railways of India. Anyone who takes the trouble to read the evidence as given before the Acworth Committee will see that the recommendations of that Committee were founded on a very solid body of evidence condemning the present system of finance. The whole position is, from the practical point of view, that with a lapsing budget system as we have now, there is no possibility of carrying on a continuous business like that of railway management with any kind of efficiency or success. The continuity of operations which I have in mind, which is so desirable on Railways, is not, as perhaps might be at first thought, the mere continuity of keeping trains running—that is a minor matter. The most important matter, and one on which efficient and punctual train service depends is the meeting of the necessities of the whole organisation, both with regard to growth and in the matter of repairs to decayed and worn out materials. The Acworth Committee came at a time when the defects caused by the present system were most extraordinarily apparent. I do not wish to take up the time of the House by quoting what the Acworth Committee found in regard to the state of the Railways ; but I would like to say that it is no exaggeration at all to put down the widespread defects and inadequacies, which the Acworth Committee found, as directly arising out of the present system of finance. Further, I would assert that the potential insolvency which the Inchcape Committee also demonstrated to us also arose out of the present system of finance. During the war, of course, the matter became intensified by the difficulty of obtaining materials, but I do not think it can be seriously contested, and I think both Lord Inchcape and the Acworth Committee themselves both agreed that the present system was at fault.

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The railway system is an organism of continuous growth. It can never stand still. It has always to go on increasing and improving its services to meet demands for increases in traffic. Further, it has also constantly, day by day, to meet the necessity for renewals. The Honourable Sir Charles Innes has already referred to some of the difficulties in effecting the necessary improvements on railways and also in carrying the essential renewals. I can give numbers of instances where the present system works so as to produce results which I think might almost be considered to have originated in a lunatic asylum. Mr. Jamnadas Mehta has been the most powerful advocate to-day for the abolition of the present system. I was very glad to hear his speech, and he certainly has a very clear vision of what the present system was doing for us and what the new system might do. I do not wish to take up the time of the House by giving instances, but they have been brought home to us drastically in recent years, and I am personally satisfied of the possibility of these things happening again in the future. I am perfectly satisfied that you have no security whatever that your railways will not get again into the position that the Acworth Committee found them, and into the position that the Inchcape Committee found them. There is no hope, no certainty that we shall be allowed regular and sufficient grants for meeting renewals and for effecting improvements.. All the constructive work, the constructive imaginative work that your railway officers have been putting in during the last year and a half, since we had the benefit of the Inchcape Committee's inquiry, all the constructive effort towards improvements, towards seeking for additional traffic, for additional profits, for additional train services, all those constructive efforts are bound to go by the board if this House cannot come to some arrangement with Government whereby a continuous system of grants for revenue expenditure can be arrived at. I do not ask for sympathy for myself. I have done my best to try and get this scheme through because I believe in it, but I do ask the House to think for a little while what the effect of the rejection of these proposals would be. All over the country engineers and railway managers have been for the last year and a half steadily putting together large schemes of development and improvement, so that train services might be improved, so that accommodation might be increased, station buildings made more comfortable, and in particular so that our friends the third class passengers might be more comfortably carried. What is the mainspring of these efforts towards improvement ? It is the hope that in some way or other when we have devised schemes which in themselves take three or four or five years to carry out, this House, holding the purse strings, may be able to give us some assurance that we can find the money at the time when it is required so that we can carry out those schemes. Can the House imagine what happens for instance when we have to take up the case of rebuilding a large bridge which takes perhaps three years to build ? They give us a grant for the first year's work. The first year's work consists of laying down sidings, erecting workshops and collecting machinery and plant. During the second year the first consignment of girders will arrive for erection. During the third year the second load of girders is due. This House has in its hands the power to stop the grant for the second year's work, after we have planned the workshops, the sidings, collected equipment and materials ; this House has the power to say, " Stop that bridge ; it shall not go on." This House may do that by making a cut in my grant for some purpose entirely extraneous to Railways. That has its practical effect in preventing work being carried on. It has prevented work of this

kind going forward in the past and will in the future. Such action has also a much more important psychological effect on your railway managers and engineers. If they are not assured of getting adequate grants to carry out schemes which they have been preparing with the greatest difficulty and the full use of their expert knowledge and experience, what inducement is there for them to go ahead and devise further improvement schemes ?

That, Sir, is the most serious matter, one to which I do not think sufficient attention has been paid by this House because they do not altogether realise the conditions under which these works are devised. It very often takes a year or eighteen months to devise a scheme and think it out in order that it may be carried out efficiently. I do therefore feel very great regret, if it is the decision of this House to throw this proposal out, on behalf of these railway managers and engineers all over India who have been working heart and soul for the improvement of the Railways in the early future ; I do feel a great amount of sympathy for them, and I do feel there will be a very great amount of disappointment. I also feel that there will be inevitably a slowing down of effort, because they will feel that this House does not in the least sympathise with them, does not understand their work, and takes no trouble to help them to improve the Railways.

Sir, there is one word which I should like to add. One of the reasons why I have been very desirous of getting this proposal through, was that it was going to give us an opportunity of getting into much closer touch with the Members of the Assembly who are interested in railway management. I know popular opinion, which is expressed fairly freely is—I cannot remember the expression used by Mr. Neogy, but it was something rather offensive about my aloof attitude. Well, Sir, I may have perhaps a somewhat curt manner in answering questions, but I am most desirous of coming into closer touch with those Members of this Assembly who are interested in railway matters and who can assist us in framing our policy. For that reason I have welcomed the alterations which have been proposed in regard to the Standing Finance Committee for Railways and the Central Advisory Council. I further welcomed the possibility of having a longer period to discuss the Railway Budget in this House. If it had been possible to change the date of the railway year and put the Railway Budget before this House separately in September, I feel quite satisfied that we should have been able to get much closer, we should have been able to understand one another better. The House would have understood what we are driving at in our policy ; the House and its representatives on the Committee would have understood our difficulties and perhaps been a little more inclined to make allowances for our difficulties. I very much regret that this prospect seems to be further and further away. We shall come up again I suppose next March with a harum scarum debate lasting part of one day on a subject of vital importance to India, a harum scarum debate, no one knowing what amendments have been put or what heads of accounts they refer to ; every one bringing up his pet stunts and firing them off here in accordance with his annual custom, with no attempt at getting down to the real business, that is to say, the management of the greatest property, the greatest railway property which belongs to a nation in the whole of this world. I very much regret to have to face that prospect again next March. I should much have preferred to have five or six days, if necessary, for leisurely and careful discussion of the votes as they come up one by one.

Now, Sir, I do not feel for a moment that my contribution to this debate is likely to affect the main question, but I do hope that what I have said

[Mr. C. D. M. Hindley.]

from the point of view of the practical man will perhaps give some misgivings to other practical minded Members of this House who have pledged themselves to vote against a practical measure for a purely political purpose.

Diwan Bahadur M. Ramachandra Rao (Godavari *cum* Kistna : Non-Muhammadan Rural) : Sir, my Honourable friend Mr. Hindley made a very feeling and impassioned speech in support of the scheme which he and the officers associated with him have placed before this House. There is no doubt, Sir, that the scheme which has been devised and considered in the Committee of this House has been the result of considerable trouble on the part of the officers and the Member in charge, and I may assure him that, so far as the merits of that scheme are concerned, there is absolutely no one in this House who is not for separation. I may also tell him, Sir, that the further fact which he has mentioned to-day that the managers of railways have been accumulating large schemes in anticipation of this separation, and the securing of a continuity of railway policy, is also a consideration which some of us had in mind. Therefore, at the outset, let me remove from his mind and the mind of those who think with him, that we are actuated by political considerations in regard to this matter. Sir Charles Innes, in the discussion on the Lee Commission's Report, more or less gave expression to the same sentiment, and said that he was a practical man of business and affairs and that political discussions do not appeal to him. The same sentiments, Sir, have been expressed to-day by Mr. Hindley, who even went to the extent of suggesting that my Honourable friend's amendment was a way of shutting down this separation. I think, Sir, my Honourable friend is doing a great deal of injustice to the Honourable Mover of this amendment. He has taken a considerable part in the deliberations of the Acworth Committee and the anxious days we had in the Committee of this House in regard to this matter. Therefore I think at the outset several Honourable Members who are on the Treasury Benches are always thinking that, whatever we say on this side of the House, must be actuated by political considerations, and I wish they would try to understand our point of view. For example, in this case, what is the exact position of the Secretary of State in regard to this measure ? We did not hear a single word either from Sir Charles Innes or Sir Basil Blackett or my friend Mr. Hindley as regards the intentions of the Secretary of State in regard to the three points which have been raised in this amendment. Sir, the Honourable Sir Purshotamdas mentioned the case of the South Indian Railway. The renewal of that lease was made by the Secretary of State over the heads of the Local Government and without any knowledge of the Government of India, and what is there to prevent, even after the separation, the Secretary of State giving the East Indian Railway or the Great Indian Peninsula Railway to some company formed in England, or even in India, without any discussion or without any consideration of the terms of that lease in this House ? That is the vital point which has been raised by this amendment. Sir, under the terms of the present constitution the Secretary of State is the final authority, who has the power of making contracts with these railway companies. That power, it is conceivable, might be transferred to the Government of India under section 19A. It might be delegated to the Government of India, and so far as I am concerned, we should like to see the Secretary of State divested of this power of making contracts with companies either in England or even in India. If that power is

conceded to the Government of India, we are face to face with an authority with which this Assembly can deal and negotiate. So long as that power remains in the hands of the Secretary of State, it is quite pertinent to ask what is the exact position of this Assembly with regard to these railway matters ? The power of voting grants and dealing with the Railway Budget is vested in this Assembly, and if, over the heads of this Assembly and over the heads of the Government of India, the Secretary of State negotiates with some powerful corporation in England, or even in India and concludes an agreement without an opportunity to this House to examine the terms of the lease, I should like to know what exactly is the position of this Assembly. These matters have been mentioned so many times in the Select Committee of this House, that there is no misunderstanding of our position. In these circumstances this charge of turning every debate into a political debate is absolutely without any foundation, unless my Honourable friends who are sitting opposite can give us an adequate answer to the difficulty which we feel. Are they prepared to ask the Secretary of State to transfer the power of making contracts to the Government of India ? Will they put forward the views of this Assembly regarding the delegation of that power to the Government of India, and will they now convey to the Secretary of State the desire of this House that this power should be delegated to the Government of India ? A good deal has been said that these companies hereafter would be domiciled in India. It is all the more reason why the authority in India should deal with those future companies if there are any terms negotiated with those companies. This is the fundamental point which we wish to raise in connection with this separation of the railway finance from the general finance. The Budget has to be voted by this Assembly, but the power of making contracts will continue with the Secretary of State. The only answer that was attempted to be given to this question was that the Government of India have absolutely no power to commit the Secretary of State. May I ask the Honourable Sir Basil Blackett, and the Honourable Sir Charles Innes, whether this view of the case has been presented to the Secretary of State, and whether this constitutional difficulty of the final power being vested in the Secretary of State and the power of voting grants being in this Assembly has been appreciated and whether any attempt has been made to secure a solution ? Unless we have a clear and unequivocal statement on this matter, my Honourable friends may rest assured that there would be no satisfaction on this side of the House.

Sir, so much for the initial difficulty. On the question of Indianisation it has been pointed out over and over again that even here the final authority is the Secretary of State. Take the railway service. It is certainly open to him to engage anybody he likes for the Carriage and Wagon Department, for the Locomotive Department, for the Stores Department. In the matter of the purchase of stores, whatever may be the policy of the Government of India, he may still continue to take steps which are not agreeable to this House.

(At this stage Mr. President vacated the Chair which was taken by Mr. Deputy President.)

As regards the general question of Indianisation, perhaps Honourable Members have forgotten the very important memorandum marked as annexure A which was circulated with the explanatory memorandum of the Railway Budget for 1924-25. From the figures there given, it will be seen that the total number of superior appointments were 1,428 in 1923 and of this the number of Indians was 288, making about 16 per

[Diwan Bahadur M. Ramachandra Rao.]

cent. or one-sixth of these appointments. Is it unreasonable on the part of this Assembly to say that there should be a rapid Indianisation of the Services ? The Honourable Sir Basil Blackett has stated—I am not quite clear as to what he said—he said that 75 per cent. of the appointments in regard to these railway services would be recruited in India. I do not know whether he refers to all the Services which are mentioned in this annexure A, the Agency, Engineering, Traffic, Locomotive, Carriage and Wagon, Stores and other Departments, or whether it only refers to the Service of Engineers which was dealt with by the Lee Commission.

The Honourable Sir Charles Innes : All Services. Page 23 of the Lee Commission's Report—State Railway Engineers and the Superior Revenue Establishments of State Railways. That covers all Services.

Diwan Bahadur M. Ramachandra Rao : Therefore, looking at the fact that not even one-sixth of the appointments are now held by Indians, a better rate of Indianisation is absolutely necessary. In regard to the Railway Board, we are perfectly aware of the present constitution of this Board. It has an administrative side, it has an engineering side, and it has a financial side. I should like to ask my Honourable friend whether it is impossible to find a single Indian who could fill with credit an appointment on the Railway Board in one of these three branches. The amendment which has been framed does not commit the Government to appoint him to-morrow, but it says as early as possible, and I should like to ask him whether that suggestion is unreasonable. I have no desire to continue this discussion any longer than is necessary. It seems to me that there is a fundamental point on which my Honourable friends opposite and ourselves are in disagreement, but I myself think that an agreement is not impossible. They must realise that they must back our proposals to the Secretary of State, and unless they are prepared to do that, I am afraid we shall be working at cross purposes. We definitely put forward the view that the control of the Secretary of State in regard to these matters, seeing that the Budget is votable and is within the purview of this Legislature, should be transferred to the Government of India with whom we can deal. The Secretary of State is a person whom we cannot reach, and so long as these powers are transferred there would be no objection to the acceptance of these proposals. What is asked is the establishment of a convention that, when we and the Government of India are in agreement in regard to the leasing of any of these Railways, the Secretary of State should not intervene, and that the decision arrived at between the Government of India and the Assembly should be binding, and, so long as the final power is with the Secretary of State, this is the only logical constitutional position that can be taken by this Assembly.

Mr. W. S. J. Willson (Associated Chambers of Commerce : Nominated Non-Official) : I should like to go straight to Sir Charles Innes' amendment. Personally, I think that the contribution to be paid by the Railways is there fixed on too high a basis. I think that transport should not be taxed heavily ; that 5½ per cent. is too much. I think that this 1 per cent. is too much. But, Sir, as a member of the Committee it was my business to go in for a certain amount of give and take in order to arrive at a settlement of this very important question. After all, Sir, the difference between 5|6ths and 1 per cent. is really only a question of 14 annas or 16 annas, so I had no great difficulty in agreeing to that in order to bring

in a unanimous report. Where my difficulty began was in certain recommendations which certain members of that Committee wished to make, and I was rather handicapped I may say by only receiving Sir Purshotamdas Thakurdas's amendments at a late hour to-day without being able to give them any previous consideraion. Sir Purshotamdas Thakurdas and myself agree in a very large measure in our views about this separation question, but the difference is that he spoke to-day, as he frankly said, on behalf of the Nationalist party. When Sir Purshotamdas Thakurdas speaks only as a commercial representative, I find myself agreeing with him on a very great many points. I agree with what he said about Sir Charles Innes's presentation of this case, but I defy Sir Charles Innes or any other man, or super-man to introduce in this Assembly a comprehensive motion like this which would not provoke a certain amount of criticism from some of us. Where I agree most with Sir Purshotamdas Thakurdas is in the views as expressed by the Indian Merchants' Chamber and Bureau in their letter of the 25th August 1922 to the Secretary of the Railway Board, Simla, wherein it is stated :

"My Committee wish to reiterate their opinion that the rejection of the unanimous recommendations of the Acworth Committee regarding the separation of the railway budget from the general budget of the Government of India has been the fundamental wrong step taken by the Government of India."

I absolutely agree with that. Further on they say :

"My Committee are convinced that the successful management of Indian Railways will always be jeopardized unless a separate railway budget is insisted upon by the Assembly."

That is exactly my point of view.

Now, Sir when we come to consider the amendments, what really is the difference between the Government and the House ? I put it to you, that it is extremely small. If separation is such an important thing, such an advisable step, as Sir Purshotamdas' Chamber think and as mine think from the commercial point of view, I put it to you that the difference between the Government and the House or a section of the House is extremely small. Now, I am well aware that there is a certain section of the House who think that if a Government Member came into the House naked he would still have something up his sleeve. That cannot be the case at the present time. For my part, taking clause (*a*) it is to me so unthinkable that Government should ever contemplate handing our Railways over to any company public, private, foreign or Indian, without the consent of this House that I simply cannot believe it. They have agreed not to, so far as words go, without absolutely committing themselves to it for reasons which they say are constitutional. Now, I am not competent to argue a constitutional question, but I am prepared to accept from a responsible Member of Government, who has always enjoyed the absolute confidence of this House, who has been complimented upon the straight forward way in which he put this case before you, what he has said.

Now, I come to the question of Indianisation. Here again I say it is largely a question of words. Sir Purshotamdas puts it now as a "proviso," but I may say that there is no proviso whatever in the views expressed by his Chamber of Commerce in August 1922. This surely is again a matter of words. The Government have said they are Indianising. Mr. Hindley, every time he gets on his feet, tells us how much more Indianisation has taken place. It has gone further in the Lee Report, which says you shall go up to 75 per cent. Surely it is a matter of words, it is almost redundant to put it in this Resolution.

[Diwan Bahadur M. Ramachandra Rao.]

Then, Sir, we come to the amendment of Mr. Duraiswamy Aiyangar (c) that the purchase of stores for the different railways should be undertaken through the organisation of the Stores Department. Now, on that point, you have no assurance whatever from Government. I do not believe Government agree with you there. This amendment of Mr. Duraiswamy Aiyangar is what I want in principle myself. Nevertheless, I do not think that this is the time to press this particular amendment. In the first place, it is impracticable, because I understand the Stores Department is insufficiently developed to do the work, but I am prepared to co-operate in urging this question of store purchase in India with anybody and at all times. I made some remarks about it myself only the other day in the Finance Committee, but I say that the question of the separation of railway finance is so vital at the present time that we should not clog or delay the issue by raising questions of this kind, although that particular part of the amendment is one with which I am in complete accord. Therefore,—I wish to put it no higher than that,—the commercial opinion of Bombay, of Sir Purshotamdas' Chamber in the words which I have quoted, or of the Associated Chambers, is so strong on this question of the separation of railway from the general finance that I myself, one of the keenest supporters of the purchase of stores in India, am prepared to say that I am not prepared to jeopardise my chance of getting separation to-day by insisting on some other important, though minor matters. I put it to the House that the difference between Government and those Members who have spoken is largely a matter of words, mere words and no more. The prinicples are practically accepted.

Pandit Madan Mohan Malaviya : Sir, the reasons for the amendment have been very well put forward by many previous speakers. I want just to summarise our position as briefly as possible. In the first place there has been a good deal of confusion of thought in the view that has been put forward before the House regarding the conditions under which the Acworth Committee recommended the separation of railway finance and the conditions which now exist in India. The Acworth Committee on page 26 of their Report said :

"We do not think that the Indian railways can be modernised, improved and enlarged so as to give to India the service of which it is in crying need at the moment, nor that the railways can yield to the Indian public the financial return which they are entitled to expect from so valuable a property, until the whole financial methods are radically reformed. And the essence of this reform is contained in two things (1) the complete separation of the Railway Budget from the general Budget of the country and its reconstruction in a form which frees a great commercial business from the trammels of a system which assumes that the concern goes out of business on each 31st of March and recommences *de novo* on the 1st of April, and (2) the emancipation of the railway management from the control of the Finance Department."

Those were in essence the two changes that the Committee recommended. As regards the second, the Finance Member and the Government of India have not accepted the view of the Acworth Committee. They have got a Financial Commissioner in the Railway Board and the Financial Commissioner, we understand, acts strictly under the control of the Finance Member. So I take it that the Government of India have not accepted the recommendation that the railway management should be emancipated from the control of the Finance Department, and I am glad that the Government of India have come to that conclusion. It will be an evil day for the country if the railway management were entirely freed from the

control of the Finance Department of the Government of India. Therefore we are left to deal with only one change, which the Acworth Committee regarded as essential, namely, the complete separation of the Railway Budget from the general budget of the country. Now, I want to understand what is the exact meaning of that ? The Railway Budget is at present practically separated from the general Budget. It is prepared and submitted as a separate budget, though it no doubt forms part of the general Budget. The section dealing with it is entirely separate. It would not become more separate if it is taken up at a different time from the time at which the general Budget is taken up. There are two things which are of the essence of this separation. In the first place there was the complaint in the past that there could not be a continuity of railway construction and improvement because there was no certainty that the necessary funds would be available from year to year. That has been provided against by 150 crores having been voted by this Assembly for railway construction and improvement during five years. That will go on. So there is no more any reason left for anybody to urge that railway improvement will be jeopardised for want of a certainty of continuous sufficient contribution from the Government of India. The thing that is of the essence of the change proposed is that the Government of India now desire that this Assembly should bind itself to receive from Railways only a limited amount of profits for the general revenues every year. That is the only issue which is a new issue before this Assembly. At present it is open to the Assembly or rather to the Finance Member acting for the Assembly, though he does not always act according to the wishes of the Assembly, to appropriate the whole of the Railway profits to the general revenues of the year. And we are asked to bind ourselves down to the view that the Finance Member shall not, in future, appropriate more than a certain fixed proportion of the railway profits of the year to the general revenues, that we should bind ourselves to receive a definite amount, namely, 1 per cent. of profits *plus* one-fifth of the surplus, subject to the other condition which has been mentioned when the surplus exceeds three crores. I submit, Sir, that the absence of such an agreement as is proposed does not mean anything serious for the railway administration. The railway administration is assured of 150 crores to be spent in five years. They are also assured that the Finance Member is not going to ask for any very large sum from the railway revenues to be made over to the general revenues. This is the position. Therefore when the Chief Commissioner of Railways and the other Members who have spoken on that side drew a lurid picture of the evils that will arise to the railway administration if the proposal before us is not accepted, I submit that they did not place the correct facts before the House. The railway administration will not come to grief, it cannot come to grief, if the proposal of the Honourable Member for Commerce is not accepted because there has been no suggestion that except during the years of the war the Government of India have not given ample funds to the Railways. The railway administration have been free to recommend what percentage of working expenses should be charged and what percentage should be reserved for renewals. The Government of India have as a rule provided in the Budget what they asked for. The question now before us is whether this House should bind itself to receive only a certain fixed percentage of the revenues of the railways or let the existing practice continue. Now Sir, my friends on the Government side say that we should agree to this proposal because we do not lose anything very much by doing so, and that we shall help the railway administration

5 P.M.

[Pandit Madan Mohan Malaviya.]

to show better results if they will know that they will have a certain definite proportion of railway profits only to pay towards the general revenues and that the rest will go to improve railway administration or to reduce rates and fares. We ask our friends to agree to certain conditions, three conditions. To two of these conditions the Honourable the Finance Member and the Member for Commerce have expressed their general willingness to assent. They say, in practice, we agree that there shall be Indianisation of the railway services carried out with reasonable rapidity—at least that is how I understood them to express themselves. (*The Honourable Sir Basil Blackett* : "Quite right.") The one thing they have not expressed themselves about is the representation of Indians on the Railway Board. I do not remember to have heard anything at all from either the Honourable Member for Commerce or the Finance Member on that question, and it has been to me, Sir, a matter rather of surprise that they should not have said anything on this subject. I am open to correction.

The Honourable Sir Basil Blackett : I think I mentioned that this was a case in which the Government should have no particular difficulty in coming to an agreement with the Assembly.

Pandit Madan Mohan Malaviya : On the question of the Railway Board ?

The Honourable Sir Basil Blackett : Yes.

Pandit Madan Mohan Malaviya : Thank you. Therefore, Sir, if my friends do not find any difficulty in coming to an agreement with the Assembly on these two questions of the representation of Indians on the Railway Board and on the rapid Indianisation of the railway services, the only point of importance which divides the Government from this side of the House, is the question of an assurance that we desire to have from the Government that no State railway shall be handed over in future for management to a private company except with the prior approval of this Assembly. My friends say we should not apprehend that they will hand over a railway to a private company without consulting the Assembly. The Honourable the Finance Member has gone to the extent of saying that the matter will be brought before the Central Railway Advisory Council, and if any member of that Council should so desire, the matter will be brought before the Assembly. But there he stops. It will be brought before the Assembly for an expression of the opinion of this Assembly. Now, Sir, it is a painful thing for us to be reminded again and again and to remind our friends on the opposite side that a consultation with this Assembly does not yet mean that the Government of India will accept the view which this Assembly may express even by an overwhelming majority. We therefore desire that we should have the assurance from the Government that they will not hand over any State railway to a private company except with the approval of this Assembly. The Government say that this is a constitutional question, that they cannot as a Government— the Government of India and the Secretary of State together—agree to ask for the previous approval of the Assembly before handing over the management of a State railway to a private company. The Honourable the Finance Member has not told us what the constitutional difficulty is. The power is at present exercised by the Secretary of State. The Secretary of State, if the matter is represented to him will, I venture to think, see

the reasonableness of the demand which we put forward ; and if this demand is put forward before him and if he considers it reasonable, our difficulties and our differences will be solved. Why should not this view of the Assembly be placed before the Secretary of State, and why should not the Government of India keep an open mind on this question ? My Honourable friend says, " this is a constitutional question of great importance : we cannot agree to it ". Now I ask him to consider the other side of the case. There is a constitutional difficulty in the way of us Indian Members who represent the people in accepting the proposal of Government. That constitutional difficulty is this. Railway revenues bring us a certain amount of profit every year. Suppose there is a profit of 8 crores next year so far as the Railways are concerned, and suppose there is a deficit of two to three crores in the general Budget of the country. As matters stand at present, if we do not agree to the proposal of the Honourable the Commerce Member, the position will be that the Finance Member will take into account the 8 crores of profits on the Railways and adjust his account, without resorting to any fresh taxation. If we agree to the convention which is proposed, that is, bind ourselves not to touch anything above five crores or so of railway profits, we shall be face to face with this situation—that while there may be three crores more of railway profits of the year, it must be kept as a railway reserve, and we may have to increase the salt tax, or customs duties, or find some other means of taxation to meet the deficit of the two or three crores in the general budget. That will be the constitutional position in which we shall be placed. Now, I ask Members of Government to consider in fairness whether it is reasonable to ask the House to agree to such a convention unless we feel satisfied that in certain essential matters Government will not act without the consent of this Assembly if we agree partly to give up the power of appropriating revenues from the Railways to the general Budget. If we agree to expose ourselves to the situation in which fresh taxation may have to be imposed even while railway profits should be available, even when railway profits should be available but only to be placed in the railway reserve—if we agree to put ourselves in that position, we must have the assurance that the railway administration shall be conducted by the Government in conformity with the wishes of this Assembly. And what is the assurance that we want ? The assurance that we want is that the biggest railway, the most profitable of all Indian railways, the East Indian Railway, shall not be handed over for management to a private company next year or the year after, that when the Great Indian Peninsula railway contract comes to an end it shall not be handed over to any private company without the prior approval of this Assembly. And why do we ask for this ? We ask for this assurance because we feel that, unless we get this assurance and unless we get fair representation on the Railway Board, we shall be doing a wrong, an injustice to the people of this country if we agree to the proposals of the Government. How are railway profits made ? How is the railway revenue made ? It is made up of the rates and fares imposed upon the people. It is the people who contribute in this indirect manner the revenues that the Railways raise. At present the railway administration and the Government of India are free to raise the rates and fares as they may think fit. The rates have been raised, fares have been raised without any reference to the Legislature. The people have long been complaining that rates and fares have become very high. We have heard a good deal to-day in this discussion and since these proposals

[Pandit Madan Mohan Malaviya.]

were put forward of the desire to reduce rates and fares. We have not yet seen that desire put into practice. We shall be very grateful if the desire to reduce rates and fares is actually put into practice. We have no wish that our people should be taxed to a larger extent than is justified by reason, we do not desire that the general revenues should receive a large yearly accretion from railway revenues by rates and fares being kept up; on the contrary, we desire that the rates and fares should be reduced. But we have no certainty that they will be reduced until we have an effective representation on the Railway Board and the Railway administration, until the Government of India know that they are under the necessity of coming to this Assembly year by year for the appropriation of railway revenues. My European friends say: "Do not throw away this highly desirable administrative reform for a consideration which is somewhat ulterior to the proposal before us". But this consideration is not ulterior. This is the one power which is in our hands of compelling the Government to carry out the reforms which we consider to be essential. If we agree to bind ourselves by the convention which you propose, if we agree that we shall not touch railway revenues beyond one-third of surplus profits year after year for the next three years, then it means this that you will be free, if you think it right at the time and I apprehend that it may be that Members of Government who are in power at the time may find abundant reason to be satisfied at that time that the State should not manage its railways and that they should be handed to a private Company, so to hand them over. We feel that in that case we shall not be able to justify our position before the people whom we represent, and therefore it is that we desire that the Government should give us the assurance that no State railway shall in future be handed over to a private company.

Now, Sir, it has also been said that we have imported political considerations into what should be a purely commercial question. It is rather amusing to hear that said. Sir, railway administration is not a purely commercial concern, it never has been so—it has been a politico-commercial concern from the time when the first Minute was written on Railways in 1853 or 1854, and that Minute was brimful of politico-commercial considerations. Railway administration has always been a politico-commercial business in this country. We are face to face with a situation which I want my European friends and Government Members to consider from our point of view. Look at the railway administration as it is being carried on at present. We take up the Railway Board Classified List. We find the Railway Board consists of Mr. Hindley, Mr. Parsons, Mr. Sheridan and Mr. Hadow. The officers are Mr. Chase, Mr. Allum, Mr. Tomkins, Mr. Manson, Mr. Maflin, Mr. Stanley, Mr. Harvey, Major Budden, then one Indian gentleman, then again an Englishman, then Mr. Nicolls, then one Bengali gentleman, then Mr. Thomas, then Mr. Hayman, then Mr. Graham. Now this is the position. Is there any country to which reference has been made, either Switzerland or Prussia or Japan or Italy, where conditions like those obtaining in India exist, where the railways are so controlled and managed by persons who are not inhabitants of the country in which the Railways are run? Is there any other railway administration in which the great bulk of the people who contribute to the Railways are unrepresented as Indians are unrepresented in the railway administration of this country? It is for these reasons that we desire to be assured that

the management of a State railway shall not be handed over to a company without our consent. My friends may think that we are importing political considerations into the matter, but we are bound to do so ; and we wish them to understand that it is part of our duty not to overlook political considerations. If my Honourable friends on the opposite side recognize that these considerations are valid, if they recognize that these are not unreasonable, then the Government of India should communicate with the Secretary of State, put our case before him, and obtain his consent to give us the assurance that we want, that no State railway shall in future be handed over to a Company for management until the approval of this Assembly has been obtained. They are put to the test of the sincerity of the views which they have propounded with great ability in this debate. They are now put to the test : if they earnestly feel that the change they propose should be effected, and if they recognize that we are reasonable in demanding that no State railway shall in future be handed over to a private Company without our approval, let them put forward our case before the Secretary of State. I feel confident, at least I feel hopeful, that the Secretary of State, considering the arguments that have been put forward on both sides in this debate, will not so easily come to the conclusion that what we have urged deserves to be ignored and that what the Government Members have urged deserves to be accepted in its entirety. For these reasons, Sir, I strongly support the amendment of my friend, Sir Purshotamdas Thakurdas, and I hope the House will carry it unanimously.

The Honourable Sir Charles Innes : Sir, I think we are all getting rather tired, and I do not propose to make a speech of any length. What impresses me about this debate is that after all there is very little difference between that side of the House and this. I think I am correct in saying that almost everyone in this House is perfectly satisfied that the separation we propose is really in the interests of the railways, in the interests of India, and in the interests of the tax-payer ; and I believe that all would be glad if we could arrive at some settlement which would enable us to get rid of the very small difficulty which is between us.

Now I will take first this question of Indianisation. Various things have been said in regard to this question in relation to the Railways today, but I think I may claim—I do not say anything about the past, the distant past—I think I may claim that in recent years we have done more in the way of Indianisation on Railways than in any other Department of Government. I have got the figures here. In the last three years we have taken on 16 officers in the Superior Traffic Department. Of those sixteen officers, not one has been a European—there were 8 Anglo-Indians and 8 Indians, that is to say, the whole sixteen have been Statutory Natives of India. In the Engineering Department in the last three years we have taken on 31 officers. Of those 31 officers, 9 were Europeans, 5 Anglo-Indians and 17 Indians. In other Departments we have taken on 29 officers, of which 5 have been Anglo-Indians and 2 have been Indians. Those other Departments include Departments like the Carriage and Wagon Department and the Locomotive Department which are Departments in respect of which we have got no facilities for training in India at present. Now in addition to that, Sir Basil Blackett has told you that we have agreed to the Lee Commission's proposals, namely, that we have agreed to this recommendation :

"We are strongly of opinion that the extension of existing facilities should be pressed forward as expeditiously as possible in order that the recruitment of Indians

[Sir Charles Innes.]

may be advanced as soon as practicable up to 75 per cent. of the total number of vacancies in the Railway Department as a whole, the remaining 25 per cent. being recruited in England."

Now we have accepted that recommendation. Then coming to the question of the Railway Board, I look at this question of Indianisation in this way. You cannot possibly treat Indianisation with reference to individual appointments or individual officers. The Railway Board is a technical Board. It is composed purely of men who are qualified to fill the appointment by reason of their knowledge and experience of Indian Railways. It does not control policy. The policy of the Indian Railways is controlled by the Government of India. But the Railway Board is a body of technical men. I do hope the House would not think that there is any bar of any sort or kind against an Indian being appointed as a Member of the Railway Board ; there is not. But the difficulty we experience in getting Indians to the Railway Board is that we have not got Indians in the Railway service of sufficient experience. It may be due..... (At this stage Pandit Madan Mohan Malaviya rose to speak). The Honourable Member spoke for half an hour. He might let me have my time. I will not give way.

Pandit Madan Mohan Malaviya : May I just ask a question of the Honourable the Commerce Member ? I do not want to interrupt him. I want to ask whether there is not an Indian like Rai Bahadur Rala Ram, who was for many years Chief Engineer of the Eastern Bengal Railway and whether he is not qualified ?

Mr. Deputy President : The Honourable Member had better avoid personal questions.

The Honourable Sir Charles Innes : It is grossly improper for the Honourable Pandit to raise the question of individual officers.

Mr. Deputy President : I have overruled it.

Mr. Chaman Lall : May I ask whether there is a single Indian Member of the Railway Board or a single Agent of Railways ? Is it not possible to get an Indian to occupy these places ?

Mr. Deputy President : I would permit the Honourable Member to go on.

The Honourable Sir Charles Innes : The Railway Board is composed purely of technical men, of senior technical experts in our Railway Service. The question of Indianisation in regard to the four members of the Board will right itself in time as Indians now in the service rise to senior positions. It may be that there were defects in the past in recruiting Indians for these services. But nobody can say in the last few years that those defects have not been repaired, and as Indians do rise to qualification and to the standard necessary for appointments not only in the organisation of the Board but in the Board itself, I will undertake that the claims of those Indians will be considered most carefully in each and every case. Already we have taken in the last few months two Indians in the Railway Board, and I hope that in the near future we will be able to take more. But, Sir, as I have said, I do not think there is very much difference between me and the House on that matter.

Let me now come to what is the crucial point in this case, namely, this question of State management. The Honourable Pandit in the course of

his speech just now said that they wanted security that in the next two or three years the East Indian Railway should not be handed over to a company. I want to make a fair offer to the other side. I suggest that if the Honourable Sir Purshotamdas Thakurdas will drop his amendment that we should agree on adding the following clause to the amended Resolution moved by Sir Henry Moncrieff Smith. It will come in as clause 9. It would go on :

"They (these arrangements) shall hold good only so long as the East Indian Railway, the Great Indian Peninsula Railway and existing State-managed Railways remain under State management."

That is to say, if any of these Railways is transferred to Company management, the convention goes ; and I have further added :

"In the event of negotiations for transferring any of the above Railways to a private Company being undertaken, those negotiations shall not be concluded until facilities have been given for a discussion of the whole matter in the Assembly."

Now, it seems to me, Sir, that that clause which I suggest meets all our difficulties. It enables the Members of this House to gain the separation proposals, to see these proposals through without giving away anything at all. It gives you security as regards these Railways. According to this amendment if any Railway, either the East Indian Railway, the Great Indian Peninsula Railway or any Railway now managed by the State is transferred to a private company during the currency of the convention that is to say, three years, the convention ceases to hold good, and I further say here that we are prepared, in the event—in the very unlikely event—of negotiations of this kind for transfer being undertaken, to have an understanding with the House, to make a promise to the House, that before any such negotiations are concluded, the Government will give facilities for discussion of the whole matter in this House. It seems to me, Sir, that this is a bridge over which we can pass on to the goal desired, namely, the goal of separation. It seems to me that everybody in this House is agreed that this separation is going to enable us to manage our Railways better and more efficiently, and that separation will be for the good of India. Mr. Duraiswamy Aiyangar suggested that if we had separation, we would not be able to reduce pilgrim fares. I assure Mr. Duraiswamy Aiyangar that if he is anxious to get the fares of pilgrims reduced, to have the rates and fares for the whole country reduced, the best way to do it is to agree to our proposal about separation. There is nothing between us except this fear that these Railways are going to be transferred to companies in the next few years. The amendment which I have proposed seems to me to relieve that fear on your part and enables this House to agree with a perfectly clear conscience to the proposals of Government, and I hope my Honourable friends opposite will meet me in this matter.

Sir Purshotamdas Thakurdas : Sir, we adjourned the House at 5 O'Clock yesterday and when an Honourable Member suggested that we might have got through that Bill, I think, Sir, the Honourable the President said that 5 O'Clock was late enough for this House to sit up to. I see that the Clock stands very nearly at half past five now, and in view of what I said at the outset when I moved my amendment that I was moving it on behalf of the Nationalist party, the Treasury Benches can easily understand that I am not in a position to say yes or no in reply to their suggestion without consulting my party. I would therefore suggest to you that the House may be adjourned and the discussion kept over till the next Government day.

The Honourable Sir Alexander Muddiman: I move that the debate be adjourned to the next Government day.

The Honourable Sir Charles Innes: I beg to move the following amendment :

"That a new clause 9 be added to the amended Resolution moved by Sir Henry Moncrieff Smith.

"9. They shall hold good only so long as the East Indian Railway, Great Indian Peninsula Railway and existing State-managed Railways remain under State management. In the event of negotiations for transferring any of the above Railways to a private company being undertaken, those negotiations shall not be concluded until facilities have been given for a discussion of the whole matter in the Assembly."

Mr. Deputy President: Further discussion is adjourned to next Friday.

Mr. Deputy President: Honourable Members are informed that the elected members of this Assembly have to meet in Committee Room B for the purpose of electing four persons to the Court of the Delhi University.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 18th September, 1924.

LEGISLATIVE ASSEMBLY.

Thursday, 18th September, 1924.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

Moplah Colonization in the Andamans.

2155. ***Mr. K. K. Nambiyar**: (*a*) Will the Government be pleased to state whether the scheme of sending Moplah women and children to the Andamans, is working satisfactorily.

(*b*) Will the Government be pleased to give the total number of Moplah women and children who have taken advantage of the scheme and the total expense incurred by the Government in that connection.

The Honourable Sir Alexander Muddiman: The scheme is reported to be working satisfactorily. 185 Moplah convicts have been settled on the land and twenty-one families consisting of 30 women and 49 children have taken advantage of the opportunity of settlement. Schools have been opened and the people seem contented. No estimate of the cost is at present available. For further information I would refer the Honourable Member to the communiqué issued by the Collector of Malabar which appeared in the *Statesman* on 3rd September 1924, a copy of which I have directed to be sent to the Honourable Member.

The Lady Hardinge Medical College, Delhi.

2156. ***Khan Bahadur Ghulam Bari**: Will the Government be pleased to state how the Lady Hardinge Medical College is governed.

Mr. J. W. Bhore: The Lady Hardinge Medical College, Delhi, is administered by a Governing Body registered under Act XXI of 1860.

Representation of the Legislative Assembly on the Governing Body of the Lady Hardinge Medical College, Delhi.

2157. ***Khan Bahadur Ghulam Bari**: (*a*) Is it a fact that the Legislative Assembly has no representation on the governing body of the Lady Hardinge Medical College?

(*b*) Is it also a fact that the Government promised in the winter session to consider the suggestion of representing the Legislative Assembly on the governing body of the Lady Hardinge Medical College.

(*c*) If so, will the Government be pleased to intimate the decision arrived at.

Mr. J. W. Bhore: (*a*) Yes.

(*b*) Yes.

(*c*) The attention of the Honourable Member is invited to the reply given by me on the 3rd September 1924, to Lala Hans Raj's question No. 1587.

RETURN OF RAILWAY MATERIAL AND ROLLING-STOCK SENT TO MESOPOTAMIA DURING THE WAR.

2158. *Khan Bahadur Ghulam Bari : (*a*) Is it a fact that during the war all sorts of Railway material, including rolling-stock, was sent by the Government to Mesopotamia ?

(*b*) If so, will the Government be pleased to lay on the table a list of such material ?

(*c*) If the answer to part (*a*) is in the affirmative, will the Government be pleased to state if all or any of those materials have been brought back to India ?

(*d*) Will the Government be further pleased to state if India has been compensated for such material as has not been restored to this country ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) Complete lists of all classes of material are not available.

(*c*) Some of the rolling-stock sent to Mesopotamia was returned.

(*d*) Yes.

IMPROVED FACILITIES FOR THIRD CLASS PASSENGERS.

2159. *Khan Bahadur Ghulam Bari : (*a*) Is it a fact that the attention of the Government has often been invited to the bad plight of third class passengers ?

(*b*) If so, will the Government be pleased to state what steps have been taken by the Government during the last two years to make them less uncomfortable ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) The Honourable Member is referred to the reports, copies of which have been placed in the Library, received from Railway Administrations with reference to Mr. N. M. Joshi's Resolution in connection with improved facilities for third class passengers, which was passed in this Assembly on September 7th, 1922.

A statement will also be included in the Administration Report on Indian Railways for 1923-24 giving details of the facilities introduced for third class passengers during that period. Copies of this Report will be placed in the Library shortly.

OPENING UP OF THE LYALLPUR DISTRICT BY MEANS OF LIGHT RAILWAYS.

2160. *Khan Bahadur Ghulam Bari : (*a*) Are the Government aware that Lyallpur district is one of the biggest wheat-producing districts in India ?

(*b*) Is it a fact that the Government intended to open up the Lyallpur district in the Punjab by means of light railways, but the scheme was dropped on account of the war ?

(*c*) If so, do Government propose to take up the scheme again in the near future ? If so, when ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) and (*c*). Investigations were made some years ago into the possibilities of affording additional railway communications in the

Lyallpur District of the Punjab and these have been recently under re-examination. The estimates that have been made hitherto of capital cost and probable net earnings have not shown good enough results to justify construction. It is not possible to say when they can be undertaken, but we have reason to believe the Punjab Communications Board have the matter under consideration.

ERECTION OF A SHED ON THE PLATFORM OF LYALLPUR RAILWAY STATION.

2161. *Khan Bahadur Ghulam Bari: (*a*) Are the Government also aware that passengers are put to great inconvenience for want of a shed on the platform of Lyallpur railway station?

(*b*) If so, do the Government propose to remove this inconvenience?

Mr. A. A. L. Parsons: (*a*) and (*b*). The matter will be brought to the notice of the Agent, North Western Railway.

Sardar V. N. Mutalik: May I know, Sir, if there is any authority which any Member can approach in the first instance on such questions?

Mr. A. A. L. Parsons: The Agent; and probably the matter could be raised by a communication made to any member of the Local Advisory Committee.

INCONVENIENCES TO PASSENGERS AT SHAIKHUPURA RAILWAY STATION.

2162. *Khan Bahadur Ghulam Bari: (*a*) Are the Government aware that the Shaikhupura railway station building is the cause of trouble and inconvenience to the passengers, going there, on account of:

(*i*) there being no separate exit for first, second and intermediate class passengers;

(*ii*) there being no waiting room for any class of passengers;

(*iii*) there being no shed on the platform; and

(*iv*) there being no raised platform.

(*b*) If so, do the Government propose to remove these grievances?

Mr. A. A. L. Parsons: (*a*) and (*b*). Government understand that arrangements for the provision of separate booking offices, a waiting room for upper class passengers, and a waiting hall for third class passengers are in hand. The other inconveniences complained of have been brought to the notice of the Agent, North Western Railway.

Khan Bahadur Ghulam Bari: Are the Government aware that there is simply a rest room for officers and no waiting room for passengers?

Mr. A. A. L. Parsons: I have already informed the Honourbale Member in my reply that arrangements for providing a waiting room for upper class passengers and a waiting hall for third class passengers are in hand.

RURAL INCOME-TAX ASSESSMENTS.

2163. *Khan Bahadur Ghulam Bari: (*a*) Are the Government aware that since the creation of a separate Income-tax Department, the Income-tax officers seldom go to villages for assessments?

(*b*) Are the Government also aware that regular assessment is confined to towns only?

(*c*) Are the Government further aware that such persons in villages who were once assessed continue to be taxed even if their conditions of life entitle them to exemption ?

(*d*) If so, do the Government propose to see that no injustice is done to the poor villagers ?

The Honourable Sir Basil Blackett : (*a*) and (*b*). Under the instructions issued in paragraph 62 on page 104 of the Income-tax Manual, Income-tax Officers are required to call for returns of their incomes from all persons who in their opinion would be liable to pay income-tax. The Government have no reason to believe that these instructions are not observed in the case of rural assessments. If the Honourable Member can quote specified instances in which these instructions have not been followed, the Commissioner of Income-tax of the province concerned will be glad to investigate such cases.

(*c*) and (*d*). The Government have no reason to suppose that persons who are entitled to exemption are being taxed inasmuch as the Income-tax Act, 1922, provides ample means by which any assessee can secure the rectification of any mistake or irregularity in assessment.

REMOVAL TO DELHI OF THE IMPERIAL LIBRARY, CALCUTTA.

2164. ***Khan Bahadur Ghulam Bari :** (*a*) Is it a fact that the Imperial Library is still at Calcutta ?

(*b*) If so, do the Government propose to have it shifted to the Imperial Capital ?

Mr. J. W. Bhore : (*a*) Yes.

(*b*) The Government of India have under consideration the whole question of the future of the Imperial Library, Calcutta.

ACCESSIBILITY OF THE PUBLIC TO GOVERNMENT OF INDIA RECORDS IN CALCUTTA.

2165. ***Khan Bahadur Ghulam Bari :** (*a*) Is it a fact that all the Government records at Calcutta are not open to the public ?

(*b*) If so, will the Government be pleased to lay on the table a list of all such documents which are regarded as confidential ?

Mr. J. W. Bhore : (*a*) Yes.

(*b*) No such list is available and the compilation of one would entail an undue amount of labour.

REVISION OF THE PAY OF DIVISIONAL ACCOUNTANTS OF THE PUBLIC WORKS DEPARTMENT, BOMBAY.

2166. ***Mr. Harchandrai Vishindas :** Will Government be pleased to state :

(*a*) If their attention has been drawn to the questions and answers printed at page 54, Volume XI of the proceedings of Bombay Legislative Council, relating to the anomalous disparity existing between the pay of divisional accountants of the Public Works Department—officers of higher grade drawing lower pay than their subordinates, namely, head clerk and senior accounts clerk in the same office ; to which the Honourable Member in charge replied that the question rested with the Auditor General ?

(*b*) If so, have the Government of India taken any steps for the removal of the said anomaly by raising the pay of the aforesaid divisional accountants above the level of that of their aforesaid subordinates ?

(*c*) If it is a fact that the revision of the scale of pay of the divisional accountants has been under the consideration of the Government of India since 1921 ?

(*d*) If so, what has been the cause of delay and do Government propose to expedite such revision ?

The Honourable Sir Basil Blackett : (*a*) Government have seen the questions and answers referred to in part (*a*).

(*b*), (*c*) and (*d*). The Auditor General submitted proposals for a revision of the pay of divisional accountants in 1921, but on account of financial stringency the Government found it necessary to postpone the consideration of the proposals in common with other similar proposals. The Auditor General now states that he is about to submit fresh proposals on the subject.

Mr. Harchandrai Vishindas : Might I inquire when it is expected that this question will be disposed of by the Auditor General ?

The Honourable Sir Basil Blackett : I can only say in the near future.

RATES OF PAY OF EUROPEAN, PARSI AND INDIAN SUBORDINATE LOCO. RUNNING STAFF ON THE NORTH WESTERN RAILWAY.

2167. ***Mr. Harchandrai Vishindas** : (*a*) Has the attention of Government been drawn to the letter addressed by the General Secretary, N. W. R. Union to the Loco Running Superintendent published in the "N. W. R. Union Weekly" of the 28th July 1924 at pp. 245 *et seq.* pointing out the disparity between the pays of equally qualified Indian Railway servants on the one hand and Parsis and Europeans on the other as in the following table ?

Firemen.

Indian firemen (illiterate).	Parsi firemen.
Re. 0-8-0 to Re. 0-10-6 per day in five years.	Rs. 60 to Rs. 80 in three years.
European firemen.	Indian firemen (literate).
Rs. 80 to Rs. 100 in 3 years.	Re. 0-11-0 to Re. 0-14-0 per day in five years.

Shunters.

Indian shunter (illiterate).	Parsi shunter.
Re. 0-13-0 to Re. 0-15-0 per day in three years.	Rs. 90 to Rs. 100 in two years.
European shunter.	Literate Indian shunter.
Rs. 100 to Rs. 130 in two years.	Re. 0-15-0 to Re. 1-1-0 in three years.

Drivers.

Indian Drivers (illiterate).	Parsi Drivers.
Rs. 31 to Rs. 61 and Rs. 68 (special).	Rs. 115 to Rs. 180.
European Drivers.	Literate Indian Drivers.
Rs. 140 to Rs. 230.	Rs. 38 to Rs. 70 and Rs. 75 (special).

(*b*) Are the figures given above correct ?

(*c*) If so, can this be reconciled with the reply given by Government to Mr. W. M. Hussanally's question No. 1214 in the last session where it was stated that there was no distinction observed ?

(*d*) And if it is now found according to the above figures that such a distinction does exist are Government prepared to remove such distinctions and maintain racial equality ?

(*e*) If not, why not ?

Mr. A. A. L. Parsons : (*a*) Government have seen the letter referred to.

(*b*) No.

(*c*); (*d*) and (*e*). The statements made appear to be based on the old scales of pay which were abolished with effect from the 1st March 1923. A table of the existing rates is laid on the table.

I may say that there is now no differentiation made between the pay of the classes of employees on communal, or other grounds.

Existing rates of pay for the subordinate Loco. running staff of the North Western Railway.

Year.	Class I.	Class II.
	Rs. A. P.	Rs. A. P.
1st year	Fireman earned. 0 8 6 per day *plus* O. T.	Fireman earned. 0 11 0 per day *plus* O. T.
2nd ,,	Fireman earned. 0 9 0 per day *plus* O. T.	Fireman earned. 0 11 6 per day *plus* O. T.
3rd ,,	Fireman earned. 0 9 6 per day *plus* O. T.	Fireman earned. 0 12 0 per day *plus* O. T.
4th ,,	Fireman earned. 0 10 0 per day *plus* O. T.	Fireman earned. 0 13 0 per day *plus* O. T.
5th ,,	Fireman earned. 0 11 0 per day *plus* O. T.	Fireman earned. 0 14 0 per day *plus* O. T.
	0	*Shunter.*
1st year	Shunter earned. 13 0 per day *plus* O. T.	Shunter earned. 0 15 0 per day *plus* O. T.
2nd ,,	Shunter earned. 0 14 0 per day *plus* O. T.	Shunter earned. 1 0 0 per day *plus* O. T.
3rd ,,	Shunter. earned. 0 15 0 per day *plus* O. T.	Shunter earned. 1 1 0 per day *plus* O. T.
	Rs.	*Drivers.* Rs.
1st year	Driver 31 p. m. *plus* O. T. earned ..	Drivers 38 p. m. *plus* O. T. earned.
2nd ,,	,, 34 ,, ,, ,, ..	,, 41 ,, ,, ,,
3rd ,,	,, 37 ,, ,, ,, ..	,, 44 ,, ,, ,,
4th ,,	,, 40 ,, ,, ,, ..	,, 47 ,, ,, ,,
5th ,,	,, 43 ,, ,, ,, ..	,, 50 ,, ,, ,,
6th ,,	,, 46 ,, ,, ,, ..	,, 55 ,, ,, ,,
7th ,,	,, 51 ,, ,, ,, ..	,, 60 ,, ,, ,,
8th ,,	,, 51 ,, ,, ,, ..	,, 60 ,, ,, ,,
9th ,,	,, 56 ,, ,, ,, ..	,, 65 ,, ,, ,,
10th ,,	,, 56 ,, ,, ,, ..	,, 65 ,, ,, ,,
11th ,,	,, 61 ,, ,, ,, ..	,, 70 ,, ,, ,,
12th ,,	,, 61 ,, ,, ,, ..	,, 70 ,, ,, ,,
13th ,,	,, 68 ,, ,, ,, ..	,, 75 ,, ,, ,,

NOTE.—Specially selected men from Class III who have completed two years service in the Rs. 175 grade, have good records and are light in fuel consumption, will be eligible for transfer to class IV and will be rated at Rs. 180 in the latter class. They will then work their way to the maximum of class IV.

Existing rates of pay for the subordinate Loco. running staff of the North Western Railway.

Year.	Class III.	Class IV.
1st year	1st year employed in shed Rs. 30 p. m.	Boys of 16 will start on Rs.	Employed in shed Rs. 40 p. m.	Boys of 16 will start on Rs. 40
2nd ,,	2nd year employed in shed Rs. 35 p. m.	30 p. m., boys of 17 on	Employed in shed Rs. 45 p. m.	p. m., boys of 17 on Rs. 45 p. m.,
3rd ,,	3rd year employed in shed Rs. 40 p. m.	Rs. 35 p. m., and boys of	Employed in shed Rs. 50 p.m.	and boys of 18 to 20 on Rs. 50
4th ,,	4th year employed in shed Rs. 45 p. m.	18 to 20 on Rs. 40 p. m.	Employed in shed Rs. 55 p. m.	p. m.
5th ,,	5th year Fireman Rs. 55 p. m. O. T. earned.		Fireman Rs. 70 p. m. O. T. earned.	
6th ,,	6th year Fireman Rs. 60 p. m. O. T. earned.		Fireman Rs. 80 p. m. O. T. earned.	
7th ,,	7th year Fireman Rs. 70 p. m. O. T. earned.		Fireman Rs. 90 p. m. O. T. earned.	
8th ,,	8th year Fireman Rs. 80 p. m. O. T. earned.		Fireman Rs. 100 p. m. O. T. earned.	
1st year	Shunter Rs. 90 p. m. *plus* O. T. earned		Shunter Rs. 120 p. m. *plus* O. T. earned.	
2nd ,,	,, 100 ,, ,, ,,		,, 130 ,, ,, ,,	
3rd ,,	....		....	
1st year	Driver Rs. 115 p. m. *plus* O. T. earned		Driver Rs. 140 p. m. *plus* O. T. earned.	
2nd ,,	,, 125 ,, ,, ,,		,, 150 ,, ,, ,,	
3rd ,,	,, 135 ,, ,, ,,		,, 160 ,, ,, ,,	
4th ,,	,, 145 ,, ,, ,,		,, 171 ,, ,, ,,	
5th ,,	,, 155 ,, ,, ,,		,, 180 ,, ,, ,,	
6th ,,	,, 165 ,, ,, ,,		,, 190 ,, ,, ,,	
7th ,,	,, 175 ,, ,, ,,		,, 200 ,, ,, ,,	
8th ,,	,, 175 ,, ,, ,,		,, 210 ,, ,, ,,	
9th ,,	,, 180 ,, ,, ,,		,, 220 ,, ,, ,,	
10th ,,	Special grade		,, 220 ,, ,, ,,	
11th ,,	....		,, 230 ,, ,, ,, Special grade.	
12th ,,	....		....	
13th ,,	....		....	

NOTE.—Specially selected men from Class III who have completed two years service in the Rs. 175 grade, have good records and are light in fuel consumption, will be eligible for transfer to Class IV and will be rated at Rs. 180 in the latter class. They will then work their way to the maximum of class IV.

SUNDAY ALLOWANCES TO THE TRANSPORTATION STAFF ON THE NORTH WESTERN RAILWAY.

2168. ***Mr. Harchandrai Vishandas**: (*a*) Will Government be pleased to state if it is a fact that while European, Anglo-Indian and Parsi drivers working on Sundays get double pay, Hindus and Muslims do not?

(*b*) If so, are Government prepared to give equal treatment to all the sections?

(*c*) If not, why not?

Mr. A. A. L. Parsons: The practice on different lines of giving Sunday allowances to Transportation Staff varies and the Honourable Member has not stated to which particular line he refers. If, however, as

in the case of his previous questions he refers to the North-Western Railway the answers to his questions are :

(*a*) European and Anglo-Indian drivers only receive an extra day's pay if they work on Sundays.

(*b*) and (*c*). Indian drivers similarly receive an extra day's pay when they work on holidays applicable to their communities.

CLOSING OF RAILWAY GOODS OFFICES ON INDIAN HOLIDAYS.

2169. *Mr. Harchandrai Vishindas : (*a*) Are Government aware that big commercial houses have their offices closed on Indian holidays and have therefore to suffer hardship by the railway goods offices remaining open on those days, by reason of their liability to demurrage, owing to non-clearance of goods on those days ?

(*b*) If the reply be in the negative do Government propose to ascertain the views of the mercantile community on this ?

(*c*) If the reply to (*a*) is in the affirmative are Government prepared to consider the question of closing the railway goods offices on Indian holidays ?

(*d*) If not, why not ?

Mr. A. A. L. Parsons : (*a*) Government are aware that railway goods offices are open on Indian holidays, but they are not aware that hardship is generally entailed by this.

(*b*), (*c*) and (*d*). Railway goods offices are now closed for business on 54 days in the year and to close them on all Indian holidays would mean the increase of *dies non* by periods, varying according to provinces, of 17 to 24 days, with a corresponding increase in delays to rolling stock and loss of business. A copy of the question and answer will however be furnished to the Indian Railway Conference Association.

Mr. Harchandrai Vishindas : Is it not a fact that Sunday is observed as a holiday in regard to all the communities, being a Government holiday, and the other Indian holidays are regarded as holidays for Indians and Europeans alike ? Is there any discrimination made between Sundays and other holidays as to whether they are Indian holidays or European holidays in public offices ?

Mr. A. A. L. Parsons : I can only speak for the Railways, and I am afraid I must ask for notice. I think the practice differs to a certain extent on different Railways.

DISTRIBUTION OF FINES REALISED FROM EMPLOYEES ON THE NORTH WESTERN RAILWAY.

2170. *Mr. Harchandrai Vishindas: (*a*) Is it a fact that fines realized from N. W. Railway employees are distributed among the various social organizations of the Railway employees and public institutions ?

(*b*) If so, will Government be pleased to state the proportion in which they have been distributed during the last two years between European, Christian and Indian organizations ?

Mr. A. A. L. Parsons : (*a*) Fines realised from railway employees are disbursed as compassionate allowances and as grants to hospitals for sick employees, to schools, recreation clubs, etc.

(*b*) The information is being obtained and will be supplied to the Honourable Member.

Mr. N. M. Joshi : May I ask a supplementary question, Sir ? I would like this information to be given to the Assembly, not to the Honourable Member alone.

Mr. A. A. L. Parsons : Certainly, Sir.

PROVISION OF LATRINE ACCOMMODATION IN THIRD CLASS COMPARTMENTS INCLUDING SERVANTS' COMPARTMENTS.

2171. ***Mr. Harchandrai Vishindas** : Have Government provided latrine accommodation in all third class compartments including servants' compartments ? If not, why not ?

Mr. A. A. L. Parsons : Special attention has been given to the provision of latrine accommodation in third class stock and it is now the general practice of railway administrations to provide latrine accommodation in all new passenger stock with the exception of stock designed for short distance and suburban traffic.

The percentage of third class broad and metre gauge carriages fitted with latrine arrangements on all Indian railways is approximately 80 per cent.

Separate figures for servants compartments are not available.

Mr. Harchandrai Vishindas : Is it known whether any latrine accommodation is provided in servants' compartments anywhere on any railway lines ?

Mr. A. A. L. Parsons : I am afraid I do not know, Sir.

Mr. Harchandrai Vishindas : You do not know ?

Mr. A. A. L. Parsons : I personally do not know.

Mr. Harchandrai Vishindas : Can an inquiry be made from the railways on this subject ? If ordinary third class passengers are provided with latrine accommodation, as is certainly the case, is there any reason why servants should be deprived of that arrangement ?

Mr. A. A. L. Parsons : I think there might be practical difficulties, but I will make inquiries.

REFUND OF INCOME-TAX CHARGED ON THE TENTAGE ALLOWANCES OF MILITARY OFFICERS.

2172. ***Mr. W. S. J. Willson** : (*i*) Is it the case that tentage allowance has long been a right by regulations, namely, certain regulations stating that an officer's pay is made up of various elements one of them being tentage allowance (to save Government the expense of providing and keeping up tents) ?

(*ii*) Is it the case that there is in fact a regulation stating that tentage allowance is *not* liable to income-tax ?

(*iii*) Has the attention of Government been drawn to the article on page 1 of the " Pioneer " of 25th August 1924 ?

(*iv*) Is it the case that the Controller of Military Accounts or other authority recently issued instructions to the effect that before an officer

can sustain a claim for exemption from income-tax on that portion of his pay and allowances which is made up of tentage :

(*a*) he must sign a certificate either to the effect that he is in possession of camp equipment in good condition, or

(*b*) that he has expended a particular sum each month on its upkeep ?

What authority is there for demanding such certificate ?

(*v*) Was it the practice to demand any such certificate to enable an officer to draw his pay and/or tentage ? Have these certificates only been asked for in support of an exemption from or refund of income-tax ?

(*vi*) Is it the intention of Government that difficulties should be placed in the way of officers obtaining the refunds to which they are undoubtedly entitled ? Have such refunds been refused for any year prior to 31st March 1923 and are refunds being disputed for the current year ?

Mr. E. Burdon : (*i*) Yes.

(*ii*) A definite ruling to this effect has recently been issued.

(*iii*) Yes.

(*iv*) and (*v*). The facts are as follows. Until June 1923 it has been the established practice to require all officers to sign a certificate in their pay bills to the following effect ; " Certified that I am in possession of suitable camp equipage." By a circular order, dated the 8th June 1923, this certificate was abolished and officers were required instead to certify in their pay bills that they had spent the whole of their tentage allowance in maintaining tents in the discharge of their duties. The professed object of requiring these certificates was to obtain evidence that the tentage allowance was eligible for exemption from income-tax. The second of the two certificates referred to above, which purported to be based on the provisions of sections 4 (3) (*vi*) of the Indian Income-tax Act, 1922, has now, that is to say, since July 1924, been abolished and the original form of certificate has been restored.

(*vi*) Certainly not. Government are about to issue instructions sanctioning the refund of income-tax which has wrongly been charged on tentage allowances during the current year and the years 1922-23 and 1923-24.

Mr. W. S. J. Willson : Why only two years, Sir ?

Mr. E. Burdon : Refunds, I think, have been sanctioned for the whole period in issue.

INDIANS IN THE INDIAN MEDICAL SERVICE HOLDING TEMPORARY COMMISSIONS.

2173. ***Mr. Chaman Lall :** (*a*) Will Government be pleased to state the number of Indians holding temporary commissions in the I. M. S., who volunteered before the 11th of November 1918 and the number of actual holders of temporary commissions in the I. M. S. at present ?

(*b*) Will Government state their reasons for keeping holders of temporary commissions who volunteered during the war, on temporary employment even after several years' service ?

(*c*) How many of these have held specialists' jobs since their admission as temporary commissioned officers ?

(*d*) Have any of these been recommended by their O. Cs. for permanent commissions ?

(*e*) How many of them have been given permanent commissions ?

(*f*) Is it a fact that the tendency of Government recently has been not to accept a further term of one year's engagement of temporary officers ?

Mr. E. Burdon : (*a*) The number of Indian officers now holding temporary commissions, who joined before the date mentioned by the Honourable Member is 55. The total number of officers at present holding temporary commissions in the Indian Medical Service is 155.

(*b*) The reason is that permanent appointments are not available and the officers in question are willing to continue to serve with a temporary commission.

(*c*) Of the total number of officers at present serving with temporary commissions, the number that have held specialist appointments is 13.

(*d*) In order to furnish the information desired, it would be necessary to examine the files of all the officers who have held temporary commissions. The value of the information to be obtained would not be sufficient to justify the expenditure of time and labour involved.

(*e*) Of the Indian officers who have held temporary commissions, 98 have been granted permanent commissions.

(*f*) No, except in so far as the exigencies of retrenchment have rendered this course necessary.

SPECIALISTS' APPOINTMENTS FOR INDIANS IN THE INDIAN MEDICAL SERVICE HOLDING TEMPORARY COMMISSIONS.

2174. ***Mr. Chaman Lall :** (*a*) Is it true that temporary Indian officers of the I. M. S. in spite of their having held specialists' appointments are not given a chance to work as specialists during peace time ?

(*b*) Is it a fact that temporary officers when applying for permission to take up special courses such as X-Rays are refused such permission ?

Mr. E. Burdon : (*a*) The answer is in the negative.

(*b*) Priority must be given to the claims of permanent officers, and as it is not possible to meet all these claims, it has been necessary to refuse the applications of temporary officers.

RAILWAY CONCESSION FARES FOR SCHOOL CHILDREN.

2175. ***Mr. Jamnadas M. Mehta :** (*a*) Are Government aware that the benefit of concession fares is not allowed by Railway Companies to students attending schools not recognised by Government ?

(*b*) Are Government aware that the existing rules unnecessarily prejudice nearly sixty thousand students attending *bona fide* institutions ?

(*c*) Are Government prepared to take immediate steps to remove the anomaly and to place *bona fide* students on a footing of equality so far as concession fares are concerned ?

Mr. A. A. L. Parsons : (*a*), (*b*) and (*c*). The Honourable Member is referred to the reply given to Mr. B. Das' question No. 1904 on 15th September 1924, in this Assembly.

AMENDMENTS MADE IN THE INDIAN LEGISLATIVE RULES.

2176. *Mr. A. Rangaswami Iyengar : With reference to the Legislative Department Notification No. F.-112|24-G. of 14th August 1924, published in the Gazette of India of 16th instant will the Government be pleased to state :

(1) Why the amendments made in the Indian Legislative Rules in March last have been superseded by the present Rules ?

(2) In what respects the new procedure for re-introduction of motions of legislative measures notwithstanding the previous rejection or postponement thereof by dilatory motions carried by the Assembly, differs from the earlier procedure adopted for the same purpose in March last ?

(3) Whether any difference has been observed by the Government in principle or method as between the re-introduction of rejected or postponed motions or legislative measures and of rejected or postponed motions on grants in the Assembly and in the Provincial Legislative Councils in the several series of amendments to the Legislative Rules published in Extraordinary Gazette of India since March last ?

(4) In what order were the rules laid before the Houses of Parliament under section 129-A. of the Government of India Act and whether the Parliament was notified of the supersession of the earlier amendments by the later amendments and of the reasons therefor.

Sir Henry Moncrieff Smith : (1) The principal considerations which dictated the revision of the rules made in March last were the following :

(*a*) Rule 20A in its original form implied on the face of it that in cases not governed by the rule, it was not open to the Member in charge of a Government Bill to defer moving that the Bill be passed, and also that in such cases it was open to a Member other than the Member in charge to move this motion. The Government of India attached importance to the removal of this implication, and the revised rule, which it may be observed does no more than crystallise established practice, already recognised to some extent in the Standing Orders, has accordingly been drawn in general terms.

(*b*) The substitution of existing rule 36A for original rules 36A and 36B effected the following objects :

First, the elimination of the provision for an announcement by the Member in charge that Government proposed to move the Governor General to exercise his personal powers under section 67B of the Government of India Act. This alteration can hardly have taken the Honourable Member by surprise, if he recollects my reply to a question on the subject put by Mr. Neogy on the 19th March last ;

Secondly, the substitution of the formal making of a recommendation by the Governor General as the act involving

the withdrawal of a Bill in respect of which a dilatory motion has been carried ;

Thirdly, the removal of an unnecessary difference of procedure in the case of Bills in respect of which a dilatory motion has been carried, and Bills which the Chamber refuses to take into consideration, refer to Select Committee, or pass.

(2) The original and revised rules are available for the perusal of the Honourable Member, who can draw his own conclusions. The principal differences have been indicated in the reply to (1).

(3) While it is true that the sets of rules to which the Honourable Member refers both involve a departure from the ordinary rule against repetition of motions, they are in no sense *in pari materia*, and the Government of India are of opinion that no question of difference of principle or method arises.

(4) The concern of the Government of India terminated with the formal report by them to the Secretary of State of the various notifications amending the Indian Legislative and Provincial Legislative Rules. They have no knowledge of the procedure which the Secretary of State has followed or will follow in complying with the requirements imposed by section 129A of the Government of India Act.

Mr. A. Rangaswami Iyengar : May I know, Sir, what the reason was which induced the Government to eliminate the provision to announce in this Assembly that it was intended to move the Governor General to exercise his certification powers ?

Sir Henry Moncrieff Smith : I would ask the Honourable Member to look up the Legislative Assembly debates of the 19th March, to which my answer refers.

Mr. A. Rangaswami Iyengar : May I know whether, as far as I am able to understand the answer to the question put by Mr. Neogy, on that occasion, it is intended to suggest that these changes are merely intended to eliminate the announcement of the moving by the Government of India of the Governor General to exercise his power, or whether it is intended to suggest that the Government do not intend to act in the matter of moving the Governor General ?

Sir Henry Moncrieff Smith : That was one of the reasons, but if the Honourable Member had followed my answer carefully he would have seen that there were other reasons also. I would suggest that, before he asks any further supplementary questions on that point, he should read the answer which I have just given and of which I will supply him a copy immediately.

EMPLOYMENT OF INDIAN CONSULTING ENGINEERS IN CONNECTION WITH PORTS DEVELOPMENT, ETC.

2177. ***Mr. A. Rangaswami Iyengar** : (*a*) Has the attention of the Government been drawn to the question and answer No. 3 put and given in the House of Commons on the 22nd July last regarding the claims of Indian Consulting Engineers in respect of contracts and tenders for large engineering works ?

(*b*) Whether they have received any proposal or offer of services from Dr. B. N. Dey, Consulting Engineer in London with reference to any of the large works in connection with the ports development, bridge or sanitary engineering works in India, and, if so, what action has been taken thereon.

(*c*) If not, whether the Government propose to avail themselves of his services or recommend his services and of other qualified Indians and Indian firms in connection with the execution of large engineering works in railway bridge, port development works in India ?

The Honourable Mr. A. C. Chatterjee : (*a*) Yes.

(*b*) Yes. The Government of India having no need of Mr. Dey's services, he was informed accordingly. The question of the employment of consulting engineers on provincial works rests entirely at the discretion of the Local Government or authority concerned.

(*c*) In so far as civil and irrigation works are concerned, the Government of India retain their own Consulting Engineer, who is a permanent member of the Indian Service of Engineers, selected chiefly for his irrigation experience ; otherwise they have, in general, no need of the services of consulting engineers in India. They do not propose to make any recommendation on the subject to Local Governments or authorities, who have full powers in the matter.

RE-OPENING OF POINT CALIMERE AND OTHER MINOR PORTS ON THE SOUTH MADRAS COAST.

2178. ***Mr. A. Rangaswami Iyengar :** Will the Government be pleased to state :

(*a*) Whether Point Calimere in South India is the nearest port to Ceylon of all minor ports in South India and is within 30 miles from Jaffna, the chief town of the Tamils in Ceylon ?

(*b*) Whether this port was closed to passenger and goods traffic by country boats in consequence of an agreement between the South Indian Railway and the British India Steam Navigation Company in order to maintain the traffic earnings of both companies *viâ* the Danushkodi route ?

(*c*) Whether the extension of the Tiruturaipundi-Agastiampalli line of the Tanjore District Board Railway to Danushkhodi in order to facilitate the reopening of this coastal traffic with Ceylon, is under consideration and whether any objection has been taken to such project by the South Indian Railway or B. I. S. N. Companies ?

(*d*) Are the Government of India prepared to direct the reopening of this and other minor ports on the South Madras coast ?

Mr. A. A. L. Parsons : (*a*) It is the nearest port to Ceylon and is about 40 miles from Jaffna.

(*b*) No. If the Honourable Member has in mind the agreement of 1902 between the South Indian Railway and the British India Steam Navigation Company, in the first place that agreement did not refer to country boats, and in the second place Government are given to understand that steamers never did call at Point Calimere.

(*c*) No such extension is under consideration.

(*d*) This part of the question should be addressed to the Government of Madras.

LORD OLIVIER'S SPEECH IN THE HOUSE OF LORDS REGARDING THE ALLEGED PURCHASE OF VOTES BY THE SWARAJ PARTY IN BENGAL.

2179. ***Mr. Chaman Lall**: (*a*) Are Government aware that the following statement was made by the Secretary of State in the last debate in the House of Lords :

"In that Assembly the Swaraj party, not being able actually to lead or procure a majority of votes for the purpose of embarrassing the Government, organised the purchase for cash of the requisite balances either of votes or abstentions to enable them to win narrow divisions which they did. This fact is notorious" ?

(*b*) Was the information supplied to the Secretary of State by the Government of India ?

(*c*) If so, has the Government got any facts to substantiate the charge against the Swarajists ?

(*d*) If not, are the Government prepared to have these words withdrawn by the Secretary of State ?

The Honourable Sir Alexander Muddiman: I have already answered that question.

Mr. Chaman Lall: Will the Honourable Member be pleased to lay on the table a copy of the communications which have passed between the Government of India and the Secretary of State on this subject ?

The Honourable Sir Alexander Muddiman: I have already given the House full information regarding the particular instance to which the question was directed. I cannot lay anything else on the table.

Mr. Chaman Lall: Will the Honourable Member request the Secretary of State, in view of the great feeling in this Assembly on the subject, to make public the sources of information which made him pass those remarks ?

The Honourable Sir Alexander Muddiman: I have already said on the last occasion in reply to a supplementary question put by the Honourable Sardar that a copy of the questions and answers will be forwarded to the Secretary of State.

Lala Duni Chand: Are Government aware that the Swarajist candidates were either returned unopposed or returned by such an overwhelming majority of votes that that it was impossible to obtain them by improper means ? If this is a fact will Government be pleased to convey the information to the Secretary of State in order to remove his wrong impression ?

Mr. President: The questions relating to the election of members of the Swarajist Party do not arise out of this question. It refers solely to alleged bribery by members of the Swarajist Party when they had already reached the Chamber.

RELEASE OF RAJA RAM CONVICTED IN THE MALAKWAL TRAIN WRECKING CASE IN 1919.

2180. ***Mr. Chaman Lall**: Are Government aware that Raja Ram, son of Ganga Ram, goldsmith of Malakwal (Gujrat district), was

convicted by a Court Martial Tribunal at Lahore on the 17th June 1919, to death, for being concerned in the Malakwal train wrecking case ?

(*b*) Are the Government aware that the sentence was afterwards commuted to transportation for life ?

(*c*) Are the Government aware that the said convict is undergoing life sentence in Andamans and his number is 43633 ?

(*d*) Do Government propose to take steps to release him at once ?

The Honourable Sir Alexander Muddiman : (*a*) Yes.

(*b*) Yes.

(*c*) Yes.

(*d*) No.

TRAINING OF INDIANS AS RAILWAYS TRAFFIC OFFICERS.

2181. ***Mr. Bhubanananda Das** : Will Government be pleased to state what stage the scheme for training traffic officers required for the Indian Railways at the Sydenham College of Commerce of Bombay has reached, and will Government be pleased to lay the scheme on the table for information of the House ?

Mr. A. A. L. Parsons : The matter is still under consideration and Government are not in a position to make a statement on the subject.

PURCHASE OF RAILWAY STORES THROUGH THE INDIAN STORES DEPARTMENT.

2182. ***Mr. Bhubanananda Das** : In reference to my starred question No. 1332 of June 1924 on the centralization of purchase of stores through the Indian Stores Department, will Government be pleased to state if they have reached the decision to direct different railways in India to make all their purchases through the Indian Stores Department ?

Mr. A. A. L. Parsons : The Honourable Member is referred to the reply given in this Assembly to parts (*f*) and (*g*) of Mr. Neogy's question on the same subject.

GOVERNMENT PURCHASES OF IRON AND STEEL FROM INDIAN MANUFACTURERS.

2183. ***Mr. Bhubanananda Das** : In reference to the assurance given by the Honourable Member for Industries in reply to my starred questions Nos. 1334-35 of June 1924, that Government would give due consideration after the Tariff Act was passed to the question whether the Government of India would make all their purchases of iron and steel from Indian manufacture, will Government be pleased to state their final decision and present practice on this question ?

The Honourable Mr. A. C. Chatterjee : The attention of the Honourable Member is invited to the Rules for the supply of articles for the public service which were promulgated with the Resolution by the Government of India in the Department of Industries and Labour, dated the 6th May 1924, and a copy of which will be found in the Library. The passing of the Steel Industry (Protection) Act does not necessitate any change in the policy of the Government of India as enunciated in the preamble to the Rules.

FRANCHISE FOR WOMEN.

2184. *Mr. Bhubanananda Das : (*a*) Have Government considered the suggestion of the President of the Reforms Inquiry Committee to Mrs. Deep Narain Singh while giving evidence regarding Women Franchise that the rules can be altered to entitle women to vote and stand for the Councils and Assembly ?

(*b*) Are Government prepared to take immediate steps to amend these rules so that there will be no sex disqualification for women of India ?

The Honourable Sir Alexander Muddiman : So far as I am aware the President of the Committee made no such suggestion. Government do not propose to take any immediate steps in the matter.

SUBMISSION OF STATEMENT OF EARNINGS BEYOND THEIR LAWFUL SALARIES BY TICKET COLLECTORS OF THE N. W. RAILWAY, KARACHI DISTRICT.

2185. *Mr. Harchandrai Vishindas : (*a*) With reference to the answer to my question No. 1160, dated 2nd June last, are Government aware that the D. T. S. Karachi somewhere in the beginning of 1923 wrote to the station master, Kotri, pointing out that some ticket collectors mentioned by name did not earn enough to cover their pay and therefore they did " not justify their existence " and that " those who do not cover the Railway expenses will be dispensed with by the Railway " ?

(*b*) If so, will Government be pleased to state how they reconcile this with their answer " There is no question of these collections having to reach a particular figure on pain of punishment " ?

(*c*) If so, do Government propose to direct the cancellation of such directions as are mentioned in part (*a*) ?

(*d*) If not, why not ?

Mr. A. A. L. Parsons : (*a*), (*b*), (*c*) and (*d*). Government have no information, but are making inquiries.

REFUSAL OF GOVERNMENT TO LAY OFFICIAL CORRESPONDENCE ON THE TABLE.

2186. *Mr. Harchandrai Vishindas : (*a*) Is it a fact that the Government have made it a uniform practice to refuse to lay on the table correspondence between them and the Secretary of State or with any Government Department whenever asked by the Members of the Assembly to do so ?

(*b*) If not, will Government be pleased to take the statistics of any one of the years 1923, or 1924 as far as it has gone to show the total number of such requests and the number of compliances ?

The Honourable Sir Alexander Muddiman : (*a*) Considerations of Public or State interest sometimes necessitate the withholding of papers from publication. Each request is dealt with on this principle alone.

(*b*) The Honourable Member will find the information he requires in the published proceedings of the House.

Mr. Harchandrai Vishindas : Which published proceedings ? Might I inquire of any particular year ? Have I to go into the proceedings of all years ?

The Honourable Sir Alexander Muddiman : So should I.

CONDITIONS OF DECK PASSENGER TRAFFIC IN NATIVE PASSENGER SHIPS, ETC.

2187. *Mr. N. M. Joshi : Will Government be pleased to state whether their attention has been drawn to an article on " Indian Labour in Burma " by Mr. C. F. Andrews, published on page 288 in the *Young India* of August 28th, 1924, wherein he states :

" In Malaya the planters all agreed with me that the voyage conditions are inhuman. But they said : ' What are we to do ? The Government of India Shipping Act allows these conditions ' " ?

(*b*) Will Government be pleased to state what they propose to do to remedy this state of things ?

(*c*) Will Government be pleased to state what steps they have taken to give effect to the recommendations of the Deck Passengers Committee ?

The Honourable Sir Charles Innes : Government have seen the article.

(*b*) and (*c*). As the Honourable Member is aware, the whole question of improving the existing conditions of deck passenger traffic in Native Passenger Ships has been investigated by the Deck Passenger Committee. The views of Local Governments and Chambers of Commerce on the Committee's recomendations have been obtained and are now under consideration. Any legislation that may be necessary will be probably included in the general revision of the Indian Merchant Shipping Act, which is now being undertaken.

Mr. N. M. Joshi : May I ask when this legislation will be undertaken ?

The Honourable Sir Charles Innes : I cannot say, but we are working at it as best we can.

Mr. N. M. Joshi : May I remind the Government that a long time has passed since the Deck Passenger Committee's report was published ?

The Honourable Sir Charles Innes : May I remind the Honourable Member that the question raised is an extremely difficult and complicated one ?

LEAVE OF LOWER CLASS EMPLOYEES ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

2188. *Mr. N. M. Joshi : (*a*) Will Government be pleased to state whether they are aware of the fact that there is a good deal of discontent among the lower class employees in the B. B. and C. I. Railway owing to the fact that while the subordinate staff of the Railway such as station masters, guards, drivers, clerks, etc., get all kinds of leave such as privilege leave (30 days), casual leave and sick leave in addition to the gazetted holidays, they get only 15 days' privilege leave and no other leave and are at times required to work even on gazetted holidays ?

(*b*) If so, what steps they have taken or propose to take to remove this complaint of the lower class employees ? If not, will they inquire into the matter and announce the result of their inquiry ?

Mr. A. A. L. Parsons : (*a*) and (*b*). Government are not aware of any discontent prevailing among the lower class employees of the Bombay, Baroda and Central India Railway in the matter of their leave, and do not propose to initiate any inquiries. They are confident that the Agent is fully in touch with the position. The Honourable Member is, however,

referred to the reply given to him on 2nd July 1923 in regard to a similar inquiry.

UNIFORMITY IN LEAVE RULES ON RAILWAYS.

2189. *Mr. N. M. Joshi : Will Government be pleased to state the result of their inquiry in respect of securing uniformity in leave rules on Railways, which, they assured the House in July last was under contemplation ?

Mr. A. A. L. Parsons : I cannot discover that any such assurance was given by Government. In July 1923 the Honourable Member was informed that the question of revising leave rules for all railway employés with a view to bringing them more into accord with conditions of employment in other industrial concerns was under consideration. This question is still under discussion with railway administrations.

APPOINTMENT OF INDIANS AS FOREMEN ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

2190. *Mr. N. M. Joshi : Will Government be pleased to state whether it is a fact that all the foremen in the B. B. and C. I. Railway workshops and officers are Europeans ? If so, will they state whether any attempts were ever made to appoint Indians to these posts ? If not, why not ?

Mr. A. A. L. Parsons : Yes, that is so, but the railway have three Indian foremen in their running department and one Indian under training for the superior grade.

TRICHINOPOLY-VILLYPURAM RAILWAY.

2191. *Dewan Bahadur M. Ramchandra Rao : Will the Government be pleased to state whether the construction of the Trichinopoly-Villypuram chord line will be proceeded with in the course of this official year or whether any orders have been passed postponing this line indefinitely ?

Mr. A. A. L. Parsons : No orders have been passed postponing indefinitely the construction of this railway. The revision of the estimate has become necessary and a revised estimate is now under consideration by the Railway Board. It is not possible at the moment to say when construction will be commenced.

OPENING OF A LOCAL HEAD OFFICE OF THE IMPERIAL BANK OF INDIA EITHER AT LAHORE OR AT DELHI.

2192. *Mr. Bhubanananda Das : (*a*) Is it a fact that Calcutta is at present the local head office of the Imperial Bank for the Punjab, and that there has been an increase in the number of branches of the Bank in that Province ?

(*b*) Do Government propose to draw the attention of the Governors of the Bank to the desirability of having a new local head office either at Lahore or at Delhi so as to enable the Bank to look after the banking interest of that Province ?

The Honourable Sir Basil Blackett : (*a*) The reply is in the affirmative.

(*b*) The opening and location of new local head offices is primarily a matter for the discretion of the Central Board though such opening is subject to the previous sanction of the Governor General in Council. The suggestion implied in the Honourable Member's question will be conveyed to the Central Board. I may add that I believe that some steps have actually been taken with a view to meeting the point raised in the question.

TERMINATION OF THE SERVICES OF CERTAIN EMPLOYEES OF THE EAST INDIAN AND G. I. P. RAILWAYS ON THE STATE TAKING OVER THE MANAGEMENT OF THESE LINES.

2193. ***Lieut.-Colonel H. A. J. Gidney** : (*a*) Is it a fact that the Government of India issued a memorandum from the Railway Board to the Agent, E. I. Railway, as published in the E. I. Railway Gazette, dated 10th July 1924, of which paragraph 2 reads as follows :

"With few exceptions the Government of India are anxious to obtain the services of the existing permanent staff of the East Indian Railway Company when the Railway comes under State management. Intimation has already been sent individually to those members of the existing permanent staff whose services the Government of India regret that they will not require after the 31st December 1924 ; and they have been informed that it will be open to them to take any leave admissible to them after that date under the Company's rules, and that they will remain under the existing East Indian Railway leave, provident fund, and gratuity rules until the final termination of their service under the Company."

(*b*) Will the Government be pleased to state, if when the Great Indian Peninsula Railway is taken over by the Government of India and worked as a State line, the existing permanent staff of the Great Indian Peninsula Railway, whose services the Government will not require, either because of their age being over 53 years, on 1st July 1923, or for other reasons, will be similarly granted all leave due to them and will remain under the existing Great Indian Peninsula leave, provident fund and gratuity rules, after the 30th June 1925, until the termination of their service ?

(*c*) If the answer to question (*b*) is in the affirmative, are Government prepared to issue instructions through the Railway Board to the Agent, Great Indian Peninsula Railway, to publish such information in the Great Indian Peninsula Railway "Weekly Notices", as has been done on the East Indian Railway ?

(*d*) If the answer to question (*b*) is in the negative, will the Government be pleased to give reasons for difference of treatment regarding leave, etc., of the East Indian Railway and Great Indian Peninsula Railway employees, when these Railways are taken over by the Government ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) The question is still under consideration.

(*c*) and (*d*) In view of the reply given to (*b*) above the questions do not arise.

Mr. K. C. Neogy : With reference to (*a*), will the Honourable Member state how many Indians in the officers' grades have been served with notice terminating their services, and what proportion they form to the total number of Indians employed in these grades in the E. I. Railway ?

The Honourable Sir Charles Innes : I have not got the information absolutely in my mind, but I think that the figure is somewhat as follows. I think that we are terminating the services of about 6 or 7 officers on this Railway when we take it over, and of those I think about half are Europeans

and half are Indians. As regards the latter part of the question, I am afraid I cannot give the information offhand and the Honourable Member must put down a question on the subject.

Lieut.-Colonel H. A. J. Gidney : May I ask a supplementary question ? Will the Honourable Member in charge kindly inform me, with reference to his reply that the matter is still under consideration, in view of the fact that those officers who will be affected by their decision are desirous of making timely arrangements for taking the leave that is due to them, when do the Government think they will have finished considering this matter and arrive at a decision ?

Mr. A. A. L. Parsons : We are going to discuss the matter with the Agent in the course of the next week or ten days.

ALLEGATIONS AGAINST COLONEL E. T. CARWITHEN, LATE CANTONMENT MAGISTRATE, AMBALA.

2194. ***Haji Wajihuddin :** (*a*) Are the Government aware that a complaint under section 168, Indian Penal Code, was made by one Pandit Ramkishen against Pandit Shugan Chand, head clerk of the Ambala Cantonment office ?

(*b*) Is it a fact that in course of the prosecution evidence, a formal stamped deed of partnership was produced in which Colonel E. T. Carwithen, late Cantonment Magistrate, Ambala, Pandit Shugan Chand and one Hira Lall agreed to carry on business as partners under the name of " Hira Lal & Co." ?

(*c*) Will the Government quote some rule or precedent under which a Cantonment Magistrate can carry on trade in partnership with his head clerk ?

(*d*) Are the Government aware that Colonel Carwithen sanctioned several applications for buildings in Ambala Cantonment without referring the same to the Cantonment Committee ?

(*e*) Is it a fact that this very Cantonment Magistrate gave permission to his head clerk Pandit Shugan Chand to engage in trade and that this permission has been given on the head clerk's application not registered in the office and bearing number and date ?

(*f*) Will the Government state if a Cantonment Magistrate is authorised to give such permission to his subordinate and if so, under what law ? If not, what action they propose to take against Col. Carwithen ?

(*g*) Are Government prepared to hold an inquiry into the matter ?

Mr. E. Burdon : (*a*) Yes.

(*b*) Yes.

(*c*) There is no such rule or precedent.

(*d*) Yes.

(*e*) In the order passed in the case referred to in part (*a*) of the question, the magistrate stated as follows :

" The accused has produced the original order of the Cantonment Magistrate granting him sanction to engage in trade, which is recorded on his application dated the 10th July 1919. * * * It is true that although the accused's application for the sanction is dated, the sanction is not so dated."

The Government of India have no further information on the point.

(*f*) and (*g*). The permission given was irregular. An inquiry has already been held. Colonel Carwithen was severely censured in respect of the matter mentioned in part (*b*) of the question and has retired from the service.

Government do not propose to take any further action as regards him.

CASE OF PANDIT SHUGAN CHAND, HEAD CLERK, AMBALA CANTONMENT OFFICE.

2195. ***Haji Wajihuddin :** (*a*) Has the attention of the Government been drawn to the judgment of Chaudhri Sardar Khan, magistrate, 1st Class, Ambala District, in the case, Pandit Ramkishen *versus* Pandit Shugan Chand, head clerk, Ambala Cantonment Office, complaint under section 168, Indian Penal Code ?

(*b*) Is it a fact that in the above case the accused Shugan Chand has been acquitted on the technical ground that he being a *Government servant* was not legally bound not to engage in trade ?

(*c*) Are the Government aware that the magistrate has declared the offence to be a breach of departmental rules not coming within the purview of the judicial court, but to be dealt wih by Executive Officers in the departmental manner ?

(*d*) Is it a fact that the All-India Cantonment Association brought this aspect of the case to the notice of the Government, *vide* its letter No. 518-A, dated 20th October 1922 ?

(*e*) Is it a fact that the Government have declined to take any departmental action against Pandit Shugan Chand *for the present, vide* Secretary, Army Department, letter No. 27522|2 (A.D.), dated 28th May 1924 ?

(*f*) Will the Government be pleased to state the reasons for their not taking any notice of the matter ?

Mr. E. Burdon : (*a*) Yes.

(*b*) The magistrate held that the accused was not a Government servant. He was acquitted on the ground that no case had been made out under section 168, Indian Penal Code.

(*c*) No. The magistrate made no such declaration. What he did say was that " public servants transgressing departmental rules against trading are only liable to departmental punishment."

(*d*) If the Honourable Member is referring to the letter from the All-India Cantonments Association, No. 518-A, dated the 20th October 1922, the Government of India are aware that in that letter it was urged that the head clerk should vindicate his character in a court of law.

(*e*) Yes.

(*f*) The principal reason is that the civil suit instituted by Pandit Shugan Chand is still pending.

PROHIBITION OF TRADING BY GOVERNMENT SERVANTS.

2196. ***Haji Wajihuddin :** (*a*) Are the Government aware that under Rule 15 of the Government Servants Conduct Rules published by

the Government of India, no Government servant can engage in trade without the permission of the Local Government ?

(*b*) Are the Government aware that in a criminal complaint under section 168, Indian Penal Code, filed by Pandit Ramkishen against Pandit Shugan Chand, head clerk, Ambala Cantonment office, the trying magistrate has held that the above rules being not a legislative enactment are not legally binding upon the accused ?

(*c*) Are the Government aware that under Q. M. G. letter No. 4800-3 (Q.M.G.-4), dated the 28th October 1914, all Cantonment Fund Servants are treated as public servants and are liable to the restrictions imposed upon such servants by the rules framed by the Government ?

(*d*) Do Government propose to take any steps regarding the above finding of the Magistrate ?

Mr. E. Burdon : (*a*) Yes.

(*b*) Yes.

(*c*) Cantonment Fund servants are held to be public servants but not Government servants. It is only to this latter class of servants that the Government Servants' Conduct Rules apply.

(*d*) No. But I may mention that the preparation of rules under the new Cantonments Act to regulate the conduct of cantonment servants is in hand.

PROSECUTION OF LEKHRAJ, A SHOPKEEPER OF SUBATHU, FOR SELLING COAL AT A HIGHER PRICE THAN THAT REGISTERED IN THE CANTONMENT MAGISTRATE'S OFFICE.

2197. ***Haji Wajihuddin :** (*a*) Is it a fact that Col. Lawrenson while Cantonment Magistrate, Kasauli, prosecuted one Lekhraj, son of Raghoo, a shopkeeper of Subathu, for selling coal at a rate higher than one registered in the Cantonment Magistrate's office ?

(*b*) Is it a fact that the prosecution was directed under section 173 (*m*) (4) of Cantonment Code, 1912 ?

(*c*) Are the Government aware that there is no sub-clause (4) to clause (*m*) of section 173, quoted above ?

(*d*) Will the Government be pleased to inquire why the prosecution was launched under section 173 (*m*) (4) when it did not exist at all ?

(*e*) Is it a fact that the said Lekhraj was fined twice for the above alleged offence ?

(*f*) Will the Government kindly state what the registered rate of coal was in the office of the Cantonment Magistrate and how was this rate arrived at and were the dealers in coal consulted ?

(*g*) Are the Government aware that the rate varies with quality ?

(*h*) Did the Cantonment Magistrate verify that the quality of the coal was the same for which the rate was fixed in the Cantonment Magistrate's office.

(*i*) Will the Government state if selling of coal at higher rate was at all punishable under the Cantonment Code, 1912 ? If so, will it please quote the rule or the section on the point ?

Mr. E. Burdon : The information desired by the Honourable Member is being obtained from the local military authorities and will be communicated to him as soon as it is received.

LEGAL EXPENSES OF PANDIT SHUGAN CHAND, HEAD CLERK, AMBALA CANTONMENT.

2198. *Haji Wajihuddin : (*a*) Is it a fact that the Government have granted Rs. 3,000 to Pandit Shugan Chand, head clerk, Ambala cantonment, to bring a suit of damages against certain local office-bearers of the All-India Cantonments Association ?

(*b*) Will the Government state on what grounds the grant has been paid and if the Cantonment Fund can be used for such purposes ?

(*c*) Will the Government quote the law that authorises such expenditure from the Cantonment Fund ?

(*d*) Is it a fact that the Government directed Pandit Shugan Chand to institute a case at Simla instead of at Ambala where the parties concerned reside ?

(*e*) If so, what special reasons were there to issue instructions to Pandit Shugan Chand ?

Mr. E. Burdon : (*a*) The legal expenses of the head clerk, up to Rs. 3,000 were guaranteed by the Cantonment Committee, Ambala, on certain conditions, and this action of the Committee was subsequently approved by the Government of India.

(*b*) Pandit Shugan Chand being a Cantonment Fund servant, the Cantonment Authority considered it desirable in the interests of cantonment administration that he should be given facilities to vindicate his character in a court of law. The reply to the second part of the question is in the affirmative.

(*c*) Section 29 (1) (*p*) of the Cantonment Code, 1912.

(*d*) No.

(*e*) Does not arise.

"CORPORATION SOLE" IN CANTONMENTS.

2199. *Haji Wajihuddin : (*a*) Are the Government aware that since 1st May 1924, there is "Corporation Sole" in many important cantonments of India ?

(*b*) Is it a fact that under this arrangement, the Officer Commanding a Station is carrying on the cantonment administration on his own sole responsibility ?

(*c*) Are the Government aware that this arrangement has given rise to great discontent and legitimate grievances in the cantonment ?

Mr. E. Burdon : (*a*) Cantonment Boards have been formed in most of the cantonments in which the Governor General in Council has ordered that a Board shall be constituted except in the Punjab, Bihar and Orissa, Bengal and the Central India Agency. In these areas, the Government of India understand, the elections will take place at various times during the months of October, November, and December, 1924, and the Boards will then be constituted. In those cantonments in which a Board has not yet been formed, the cantonment authority is a Corporation Sole.

(*b*) The Officer Commanding the Cantonment exercises the powers of the cantonment authority in those cantonments in which a board has not yet been constituted, and as such, he is responsible for the administration

of the cantonment in accordance with the Cantonments Act to the same extent as a cantonment board.

(*c*) The Government of India are not aware that the position is as stated by the Honourable Member. The phase to which he refers is transitional.

ELECTIONS IN CANTONMENTS.

2200. ***Haji Wajihuddin :** (*a*) Is it a fact that certain Provincial Governments have fixed 'elections' for cantonments in November with the result that the "Corporation Sole" is likely to continue up to the end of the year ?

(*b*) Are the Government prepared to take steps to direct Local Governments to hold elections much earlier than November and end the "Corporation Sole" ?

(*c*) Do the Government propose to consider the desirability of appointing an Advisory Board of four non-official residents of a cantonment for the help and guidance of the "Corporation Sole" so long as it may be necessary to maintain it ?

Mr. E. Burdon : (*a*) I invite the attention of the Honourable Member to the reply which I have given to part (*a*) of his immediately preceding question.

(*b*) The Government of India have pointed out to Local Governments the importance of constituting cantonment boards as early as possible, but they cannot tie Local Governments down to any particular date in respect of these first elections.

(*c*) The Government of India do not propose to take the action indicated. It would not be in accordance with the Act to do so.

COLLISIONS ON THE NORTH WESTERN RAILWAY.

2201. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah :** (*a*) Are the Government aware that collisions of trains are often happening on the N. W. Railway ?

(*b*) Will the Government please state how many collisions took place during the last 5 years, and what was the damage done on account of loss of life and property in each case ?

(*c*) How many of these collisions took place on the lines where the double line system existed ?

Mr. A. A. L. Parsons : (*a*) The answer is in the negative.

(*b*) and (*c*). During the 5 years ending 31st March, 1924, there were on the North Western Railway 37 collisions, serious and otherwise, in which trains carrying passengers were involved. In these collisions 28 persons were killed and 170 injured. The information asked for in the remainder of the question could not be obtained without the expenditure of excessive time and labour and in view of the answer to the Honourable Member's next question it does not seem necessary to collect it.

DOUBLE LINE SYSTEM ON RAILWAYS.

2202. ***Khan Bahadur Makhdum Syed Rajan Bakhsh Shah :** Is it a fact that on the lines where there is no double line system, the collisions

occur more frequently than on the lines where the double line system exists ? If so, does the Railway Board contemplate to provide double lines on such of the lines where no double line system exists ?

Mr. A. A. L. Parsons : There is obviously less likelihood of " head-on " collisions where double line working is in force than in the case of single lines.

The answer to the second part of the question is in the negative. Double lines are only constructed, where there is sufficient traffic to justify them. It would not be practicable to provide double lines everywhere, irrespective of the volume of traffic to be moved.

RAILWAY DISASTER NEAR HARAPPA ON THE NORTH WESTERN RAILWAY.

2203. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah :** Are the Government aware of the recent collision of passenger trains which took place on the night of the 28th August 1924 on the main line from Lahore to Khanewal between Harappa and Mirdad Mafi ? If so, what were the real causes of such collision and what relief has been given or is proposed to be given by the Railway Board to the sufferers ?

Mr. A. A. L. Parsons : The Honourable Member is referred to the reply given in this Assembly on 10th September 1924, to Diwan Bahadur M. Ramachandra Rao's question.

CREMATION OF BODIES OF PERSONS KILLED IN RAILWAY COLLISIONS.

2204. ***Khan Bahadur Makhdum Syed Rajan Bakhsh Shah :** Is it a fact that after railway collisions the corpses and remains of all the travellers whose lives are lost in the collisions are burnt up by the Railway authorities irrespective of caste or creed while no heed is paid to the religious customs under which corpses of various sects should be treated. If so what are the circumstances which lead to such undesirable treatment of the corpses which seriously hurts the religious feelings of the Indians ?

Mr. A. A. L. Parsons : The answer to the first part of the question is in the negative, and the second part of the question does not therefore arise.

SUPERVISION OF FIRST CLASS RAILWAY REFRESHMENT ROOMS.

2205. ***Sardar Bahadur Captain Hira Singh :** (*a*) Will Government be pleased to state what the arrangements are for the supervision of first class refreshment rooms on State and other railways ?

(*b*) Are they aware that the meals supplied, even when notice has been given, consist mainly of tinned fish and other tinned foods, rancid butter and impure milk, etc. ?

(*c*) Will Government consider the feasibility of advising the railway administration to inform passengers of the action taken on their complaints in this connection ?

(*d*) Are Government prepared to consider the desirability of having a general complaint book on railway stations in which the travelling public may record complaints of neglect, incivility, attempts at extortion, etc. on the part of railway servants ?

Mr. A. A. L. Parsons : (*a*) Government understand that the general practice is that first class refreshment rooms are supervised and regularly inspected by officers of the Traffic Department, Station Masters, and special Inspectors appointed for this purpose.

(*b*) No.

(*c*) and (*d*). Government will bring these suggestions to the notice of Railway Administrations.

EMPLOYMENT OF DEMOBILISED INDIAN OFFICERS AND SOLDIERS.

2206. ***Sardar Bahadur Captain Hira Singh** : (*a*) Will Government be pleased to state what has been the result of the circulars issued by Government to the civil, railway and other administrations in regard to the preferential employment of demobilized Indian officers and soldiers ?

(*b*) Are they aware that for the most part these circulars have been completely ignored ?

(*c*) Do the Government propose to take any further action in the matter to bring the circulars in force?

Mr. E. Burdon : (*a*) The number of Indian *ex*-soldiers who were employed by Local Governments and Administrations during 1922 and 1923 was 10,731 and 8,492, respectively.

(*b*) In the face of these figures the Government of India do not consider that the circulars on the subject have failed of their effect.

(*c*) The Government do not propose to take any further action of a specific kind at present. The matter receives constant attention from the Indian Soldiers' Board and the cognate provincial organisations.

INCONVENIENCES TO PASSENGERS AT DEEGHA GHAT ON THE EAST INDIAN RAILWAY.

2207. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Are Government aware of the fact that owing to the want of sheds and of proper lighting arrangements on the road from the present steamer ghat to where the train stops at Deegha Ghat, E. I. R. (B. and O.) which is a pretty long distance, passengers are put to great inconvenience, specially in the nights and when it rains.

(*b*) If so, do they propose to issue necessary instructions to the Railway authorities concerned, to make such arrangements as to remove the inconvenience of the travelling public ?

Mr. A. A. L. Parsons : (*a*) and (*b*). Government have no information, but the question will be communicated to the Agent.

The Railway Board understand that matters of this kind form the subject of discussion by the Agent with his Local Advisory Committee.

INCREASE OF PAY OF SUPERINTENDENTS OF POST OFFICES.

2208. ***Khan Bahadur Sarfaraz Hussain Khan** : (1) Is it a fact :

(*a*) that there are 181 Superintendents of Post offices in the whole of India and Burma, and among these 181 officers is apportioned the supervision and control of 16,463 head, sub, and branch post offices ?

(*b*) that the present minimum, and present maximum pay of the Superintendents of Post offices is Rs. 250 and Rs. 700, respectively.

(*c*) that the present minimum pay and present maximum pay of the Superintendents of Excise is Rs. 300 and Rs. 850, respectively.

(2) If the facts stated in (*b*) and (*c*) are correct, are the Government prepared to consider the desirability of increasing the scale of pay, of the hard-worked Superintendents of Post offices ?

(3) If not, will Government please give reasons ?

The Honourable Mr. A. C. Chatterjee : (1) (*a*) Yes.

(*b*) Yes.

(*c*) The pay of Superintendents of Excise is not uniform in all provinces. In some provinces the minimum, the Government of India understand, is Rs. 250, while the maximum appears to vary between Rs. 600 and Rs. 1,100.

(2) and (3). The pay of Superintendents of Post Offices was last revised with effect from 1st December 1919, and Government are not at present prepared to consider any further increase.

CASE OF JYOTISH CHANDRA GHOSH, STATE PRISONER IN BENGAL.

2209. ***Mr. Gaya Prasad Singh :** (*a*) Has the attention of the Government been drawn to a memorial published in the *Amrita Bazar Patrika*, dated the 31st August 1924, from the mother of Mr. Jyotish Chandra Ghosh, M.A., who has been deported under Regulation III of 1818, and addressed to H. E. the Governor of Bengal ?

(*b*) Are the facts stated therein substantially correct ? When was he arrested under this Regulation ?

(*c*) Where is the deportee confined at present ; and what is the condition of his health ?

(*d*) What books and magazines are allowed to him to read ?

(*e*) Is it a fact that the deportee was the only earning member of his family ; and that his family has been reduced to dire straits since his deportation ?

(*f*) What monthly allowance has been given to his family ; and since when ? What is the total amount paid up to date ; and when was the last payment made to the family ?

The Honourable Sir Alexander Muddiman : (*a*) Government have seen the memorial referred to.

(*b*) Government have no information regarding the truth of some of the statements contained therein. As regards the facts which are within the cognizance of Government I give in reply to the latter parts of the question such information as Government are prepared to give. The Honourable Member was informed by my predecessor on the 1st February 1924 that the detention of Jyotish Chandra Ghosh dates from 25th September 1923.

(*c*) Government are not prepared to state where this prisoner is confined, as it would not be in the public interests that I should do so.

He is in very good health as appears from a telegram I received on the 13th of this month.

(*d*) He is allowed to read any suitable books, newspapers and magazines.

(*e*) I am informed that the détenu made no contribution to the support of his family.

(*f*) Rs. 30 per month. I may say that the payment of the allowance is not in arrears. It has been paid up to date.

Mr. Chaman Lall: Does the Honourable Member consider Rs. 30 an adequate allowance?

The Honourable Sir Alexander Muddiman: I think it is a liberal allowance; considering he did not contribute to his family when at liberty.

UNSTARRED QUESTIONS AND ANSWERS.

Collection of Customs Duty by the Post Office.

399. **Mr. N. C. Kelkar:** Will Government be pleased to state what amount of custom duty has been recovered through the Post Office during the last three years and what is the estimated cost of recovering the charges? Whether the Post Office has to suffer any dead loss in these transactions? If so, up to what extent? Is any credit given to the Post Office for collection of custom duty through its agencies?

Mr. H. A. Sams: With respect to the first part, the figures are:

Amount of customs duty collected by the Post Office.

	Rs.
1921-22	71,20,685
1922-23	77,61,984
1923-24	72,02,165

Estimated annual expenditure of the Post Office and account of the collection of customs duty: Rs. 2,34,000.

Estimated revenue from the charge of 4 annas per parcel: Rs. 1,40,000.

With respect to the rest of the question, arrangements have been made for credit to be given to the Post Office by the Customs Department.

Profits earned by the Post Office on account of the Savings Bank and Cash Certificates.

400. **Mr. N. C. Kelkar:** (*a*) What is the total amount of profit earned by the Government from the working of the Post Office Savings Bank and Post Office 5-year cash certificates, during the last 10 years, after deducting the actual or estimated cost of working the branches?

(*b*) Whether the Post Office is credited with any share of this net profit and if so, to what extent?

The Honourable Sir Basil Blackett: (*a*) As regards the amount of profit, I would invite the Honourable Member's attention to the reply

given by me to starred question No. 342 appearing on page 4864 of the Legislative Assembly Debates of the 23rd July 1923. That reply applies equally to Savings Banks and Cash Certificate transactions.

(*b*) On this point, the Honourable Member will no doubt have read paragraph 1 of the note appearing on page 3 of the volume of detailed statements in support of the Posts and Telegraphs Demands for Grants for the current year.

WORKING CHARGES OF THE POST OFFICE SAVINGS BANK.

401. **Mr. N. C. Kelkar:** Do the working charges of Post Office Savings Bank shown in para. 37, page 14 of the annual report of Post and Telegraph for the year 1922-23, include the cost of work done in connection with the purchase, sale and safe custody of Government Securities ?

Mr. H. A. Sams: The answer is in the affirmative.

SORTING OF THE INWARD FOREIGN MAIL AT THE POONA POST OFFICE.

402. **Mr. N. C. Kelkar:** (*a*) Is it a fact that some of the officials of the Poona post office have to attend office to sort the weekly inward foreign mail at odd hours of the night from a distance of over 2 miles, in addition to doing their own usual daily work ?

(*b*) If the answer to the above query be in the affirmative do the staff get no additional remuneration for the additional work ?

(*c*) Do the postal staff in Bombay, Rangoon and Calcutta post offices get remuneration for similar additional service done under similar circumstances and, if so, why has the staff of the Poona post office been discriminated against ?

Mr. H. A. Sams: (*a*) Yes.

(*b*) No additional remuneration is granted.

(*c*) It is only at Bombay that overtime pay is granted in connection with the sorting of the inward foreign mail. The case of the staff at Poona is engaging my attention.

GRANT OF CONVEYANCE ALLOWANCE TO POSTAL OFFICIALS IN THE POONA DIVISION.

403. **Mr. N. C. Kelkar:** (*a*) Do the officials of Kirkee, Kirkee Bazar and North Yeravada post offices in the Poona Division have to attend their office from a distance of 4 miles there being no residential quarters available at or near the post offices ?

(*b*) Do these officials get any conveyance allowance ?

(*c*) Is it a fact that the Local Government have sanctioned conveyance allowance for their subordinates working in those localities under similar circumstances and, if so, why has not the same allowance been granted to the officials of the post office ?

Mr. H. A. Sams: (*a*) Yes.

(*b*) No.

(*c*) Yes, for subordinates of the Education Department. The case of the postal officials will receive consideration.

INDIAN INSTITUTE OF SCIENCE, BANGALORE.

404. **Mr. N. C. Kelkar** : Will Government give detailed information as to the effect that has so far been given as also the effect that yet remains to be given to the recommendations made in its report by the special Committee on the Indian Institute of Science, Bangalore, in December 1921 ?

The Honourable **Mr. A. C. Chatterjee** : The scheme for the administration and management of the properties and funds of the Indian Institute of Science, Bangalore, was published as an enclosure to a Vesting Order, dated the 27th May 1909 issued by the Governor General in Council under sections 4 and 7 of the Charitable Endowments Act (1890) and was published in the Gazette of India, dated the 29th May 1909. By regulation 41 of the scheme no change can be made in its provisions without the consent of the surviving donor. By regulation 19 the Council is declared to be the executive body of the Institute and the subsequent regulations vest the general management and administration of the Institute in the Council. By regulation 39 the Board of Management is charged with the management and administration of the endowment properties.

2. The Governor General in Council has been advised that the members of the Council and of the Board of Management are the persons acting in the administration of the Trust, within the meaning of section 6 of Act VI of 1890, and consequently they or a majority of them are the proper persons to make an application under section 6 (1) (*a*) for any modification of the scheme. The recommendations submitted by the Committee referred to in the Honourable Member's question involve considerable modifications in the present scheme of management and after prolonged discussion with all the parties interested, a draft revised scheme was drawn up by the Government of India who await a formal application for a modification on the lines of the draft from the parties legally competent to make the application. Until these parties come to a mutual agreement and the necessary application is received the Government of India cannot take any further action.

INSTITUTION OF CRIMINAL PROCEEDINGS AGAINST THE DIRECTORS AND MANAGERS OF THE ALLIANCE BANK OF SIMLA.

405. **Mr. K. Rama Aiyangar** : (*a*) Have Government seen the resolution passed at a meeting of the creditors and shareholders of the Alliance Bank by an overwhelming majority asking Government to forthwith institute prosecution of the Directors and Managers responsible for the mismanagement and losses that led to the failure of the Bank ?

(*b*) Will Government be pleased to state whether they propose to institute a preliminary investigation with a view to criminal proceeding against the parties mentioned in the creditors' report ?

The Honourable Sir Alexander Muddiman : (*a*) Yes.

(*b*) I invite the Honourable Member's attention to the reply given by me to Mr. Bhubanananda Das's starred question No. 1869.

THE LOCOMOTIVE INDUSTRY AND OFF-SETTING DUTIES.

406. **Mr. K. Rama Aiyangar** : (*a*) Will Government be pleased to state whether they propose to institute an inquiry into the locomotive position in India as desired by the Select Committee on the Indian Tariff Bill ?

(*b*) Will Government be pleased to state what action they have taken under the powers reserved for the Governor-General in Council in the Indian

Tariff Act for imposing off-setting duties whenever for any reason the market price in India is lower than the basic figure as recommended by the Indian Tariff Board ?

(*c*) Will Government be pleased to state to what extent prices in India of iron and steel have risen during the last three months ?

(*d*) Will Government be pleased to state what machinery they have instituted for this matter being promptly reported and acted upon on lines explained at the time of the introduction of the Bill by Sir Charles Innes ?

The Honourable Sir Charles Innes : (*a*) Government propose to institute an inquiry, but I must warn the Honourable Member that it may take some time, since it will probably necessitate the deputation of an officer to England.

(*b*) None as yet.

(*c*) A statement giving the information available is laid on the table.

(*d*) The Government are carefully watching the course of prices. As I explained at the time of the introduction of the Steel Protection Bill, the machinery which they propose to employ is the Tariff Board. A reference to the Board will not, however, be made until the Government are satisfied that there is a *prima facie* case justifying the imposition of off-setting duties.

DATE.	FIRST FORTNIGHT OF JUNE 1924.		FIRST FORTNIGHT OF AUGUST 1924.	
Article.	Baxter Fell's quotations c. i. f. Indian Ports ex-duty.	Quotations from iron and coal trades Review F.O. T. Works (in the U. K.)	Average prices C. I. F. at Bombay harbour excluding duty and dock dues.	
	Continental.	British.	Continental.	British.
	£ s. d. Per ton.	£ s. d. Per ton.	£ s. d. Per ton.	£ s. d. Per ton.
Bars and Rods ..	7 8 0	8 15 0	7 1 0 to 8 7 6	10 15 0
Plates, ordinary ..	8 10 0	9 5 0	8 5 0 to 9 0 0	11 5 0
Structural shapes.				
Angles	7 8 0	....	7 5 0 to 8 0 0	10 7 6
Angles ¾ to 1½ ..	8 10 0	..		
Tees	8 0 0	....		
Joists	7 10 0	8 15 0		
Sheets, Black ..	....	13 5 0	11 0 0 to 11 10 0	13 0 0
Sheets, Galvanised, corrugated.	....	17 17 6	..	18 15 0 to 19 15 0
Sheets, Galvanised, Plain.	....			19 5 0 to 20 5 0

PRICES OF KEROSENE, PETROL AND LIQUID FUEL.

407. **Mr. K. Rama Aiyangar**: (*a*) Will Government be pleased to state what information they have with regard to the fixing of prices of kerosene, petrol and liquid fuel by Indian companies and foreign companies, which are reported to have established a working agreement for fixing prices and for division of spheres ?

(*b*) Will Government be pleased to state whether during the last three or four years these prices have not been absolutely out of keeping with the actual cost of production, but have been artificially fixed with a view to secure maximum revenue and maximum sale, *i.e.*, by the principle of monopoly ?

(*c*) Are Government aware that the consumer in India is penalised in this way and Government have shown themselves incapable of protecting him by any active measures taken hitherto ?

The Honourable Sir Charles Innes: (*a*) Government are aware that there is a selling arrangement between the Indian oil companies and the Asiatic Petroleum Company, but they do not know the details of the arrangement.

(*b*) Government do not know what the actual cost of production is. The maximum selling price, however, is determined by the competitive price of imported American oil.

(*c*) Government do not propose to interfere with the ordinary operations of the market. I may, however, remind the Honourable Member that Government proposed in March last to reduce the import duty on petrol by 4 annas and the excise duty by 1½ annas, but the proposal was rejected by the Assembly. The Honourable Member was one of those who voted with the majority.

TAXATION INQUIRY COMMITTEE.

408. **Mr. K. Rama Aiyangar**: (*a*) Will Government be pleased to state why there has been a delay in assembling the Taxation Committee, which, according to the programme laid before the Finance Committee, was to start work early in April ?

(*b*) Will Government be pleased to lay on the table correspondence, which they had with the Provincial Governments, on the terms of reference and personnel of the Taxation Committee ?

The Honourable Sir Basil Blackett: (*a*) The change of date was in many ways more apparent than real, as it was always intended that the summer should be devoted to collection of data in India and Europe. Arrangements were eventually made to secure this without the expense of formally constituting the Committee or paying the cost of passages to Europe.

(*b*) The Government of India's Resolution No. 1412-F., dated the 26th May 1924, contains all the necessary information on the subject, and the Government do not propose to place any correspondence on the table.

RIOT AT KOHAT.

Mr. Chaman Lall (West Punjab : Non-Muhammadan) : May I put the following question ? Will Government be pleased to furnish the House with the latest information regarding the deplorable disturbances at Kohat ?

Mr. Denys Bray (Foreign Secretary) : I have not very much news to give to the House. The situation at Kohat is now quiet but Kohat is denuded almost entirely of one section of its population. The casualties, I regret to say, are greater than I thought at first. Of the Police 6 were injured. Of the Hindus 20 have been killed, including some who have not been identified, 24 were seriously injured and 62 have suffered minor injuries. Some are still reported missing. Of the Muslims 11 were killed, 6 seriously injured and 17 suffered minor injuries. I was asked a question the other day whether the Muhammadan population had suffered from incendiarism. At the time I thought they had suffered either not at all or very little. I have heard from Kohat that about one-third of the shops burnt in the main bazaar belonged to Muslim landlords and about two-thirds of the shops burnt in the goldsmiths' quarters were entirely Muslim. I cannot even now say what the proportion of the Muslim losses is to the Hindu losses as a whole. I have only got the figures of two of the quarters.

Sardar V. N. Mutalik (Gujarat and Deccan Sardars and Inamdars : Landholders) : With regard to the information may I know who were the tenants of the houses, Hindus or Muhammadans ?

Mr. Denys Bray : I could not say offhand. When the report says that the landholders were Muslims, the implication is that the tenants were probably Hindus. I am not sure of this. I think that covers the whole of the information regarding actual facts.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : When the Honourable Member said that the situation is quiet, is it not bound to be so when one section of the population has left the town ?

Mr. Denys Bray : I think that is probably the reason. The Honourable Member will, I think, give me credit for it when I say that I was very careful to qualify my remarks.

Mr. Chaman Lall : May I ask whether adequate precautions have been taken in the other frontier towns like Hangu ?

Mr. Denys Bray : The precautions are believed to be adequate.

Diwan Bahadur T. Rangachariar : What steps are taken by Government to induce the people to come back and to safeguard them when they come back to their homes and to help them to rebuild their homes ?

Mr. Denys Bray : That is an all-embracing question which I am not in a position to answer. I may say that I myself had one hour's conversation this morning with three leading Hindus of Kohat on this particular subject. I find that as regards going back the position is not quite so simple as it appears to my Honourable friend to be. There are very great difficulties in the way. I gave my own advice very strongly on the subject, but I was met with serious difficulties, some of which I may possibly be able to remove.

Mr. Harchandrai Vishindas (Sind : Non-Muhammadan) : Might I inquire, Sir, from the Deputy President, Diwan Bahadur T. Rangachariar, whether a deputation waited upon him from Kohat ?

Diwan Bahadur T. Rangachariar : Yes, Sir, I saw the unfortunate people and I sent them on to the Foreign Secretary.

Mr. Harchandrai Vishindas : Might I also inquire what kind of complaints they brought to him, and if they ventilated any grievances ?

Mr. President : The Honourable Member must remember that questions must be addressed to Members only on matters for which they are personally or officially responsible. I am not yet aware that it is one of the duties of the Deputy President to look after the Hindu community !

Mr. Harchandrai Vishindas : I thought, Sir, that it was in his capacity as Deputy President of this House that he was waited upon.

Diwan Bahadur T. Rangachariar : I may assure him, Sir, that it was not in my capacity as Deputy President. I had the misfortune to serve on the Frontier Inquiry Committee and I had to come in contact with these gentlemen who came to see me. I shall be very glad to hand over these gentlemen to the Honourable Member if he will take charge of them.

Mr. Harchandrai Vishindas : Then I will address myself to the Honourable Member in charge as to whether any of these gentlemen waited on him, and, if so, if they ventilated their grievances and complaints ?

Mr. Denys Bray : I am afraid my voice does not carry, Sir, because the last answer I addressed to Mr. Rangachariar had reference to these gentlemen and to these gentlemen alone.

Lala Duni Chand (Ambala Division : Non-Muhammadan) : What immediate and effective steps do the Government propose to take to restore a sense of security at Kohat ?

Mr. Denys Bray : I am afraid, Sir, that no steps that could be taken here and now would be immediately effective in restoring a sense of security in Kohat.

RESOLUTION *RE* SUSPENSION OF THE TAXATION INQUIRY COMMITTEE AND SUBSTITUTION OF AN ECONOMIC INQUIRY COMMITTEE.

Mr. K. Rama Aiyangar (Madura and Ramnad *cum* Tinnevelly : Non-Muhammadan Rural) : Sir, the Resolution I have the honour to move runs as follows :

"This Assembly recommends to the Governor General in Council that he be pleased to suspend the Taxation Inquiry Committee and to appoint a Committee in its place for a close inquiry into the general conditions of economic life and labour in reference to the resources of the country and an estimate of the national income."

With your permission, Sir, I will add this clause following, which was in my original Resolution but which was cut out. This alone will probably bring out the Resolution in full. I would add at the end :

"to ascertain if the people can bear the burden of taxation now imposed."

The Honourable Sir Basil Blackett (Finance Member) : Sir, I have had no notice of this addition to the Resolution. I had no idea that it was going to be moved, nor is it contained on the notice paper. I am not quite sure that it is in order.

Mr. President : I have permitted Honourable Members before now to make what I may call verbal alterations in the Resolutions they move. I think the Honourable Member must put the Resolution as it appears on the paper. There is an amendment in the name of another Honourable Member which may possibly bring into debate the subject which is suggested in this additional phrase.

Mr. K. Rama Aiyangar : Sir, I may point out that my original Resolution contained these words, and I thought I had your permission to put them in.

Mr. President : Mr. Secretary informs me that the Honourable Member was informed then that he would have to seek the permission of the Chair on the floor of the House.

Mr. K. Rama Aiyangar : All right, Sir. There are amendments standing in the names of others, and the matter will not be overlooked. But, however, practically I think the object of the Resolution is to see that the burden of taxation is also considered with reference to the inquiry asked for by this Resolution.

Before dealing with this Resolution it will be necessary for me to refer to certain debates in the other House to avoid considerable length in my argument. I wish to place those points before this Assembly because they are a thorough examination of the points of difference between the Government and the Council of State and in respect of this matter will bring out in relief the need for the Resolution being accepted as it is. With that view and also to condense my speech I propose, Sir, to refer to the discussions that took place in the other House in connection with this matter. In 1923 on the 23rd of July the Honourable Sir Maneckji Dadabhoy put forward a Resolution in the Council of State to this effect :

"This Council recommends to the Governor General in Council that an inquiry be made into the whole system of taxation in India with a view to its thorough examination on an economic, equitable and scientific basis with special regard to the taxable capacity of the people."

That was the Resolution that was moved, Sir. And in fact that gentleman has gone into the whole of the previous history relating to this matter, the nature of the taxation that now prevails in this land, the taxes which he thinks are too much and oppressive and other sources of taxation which he thought were not sufficiently tapped. He summarised the whole of his speech at page 1649 of that report, where he refers to what he means by that Resolution. He says :

"This inequality in Indian taxation is due to a three-fold reason. In the first place in imposing taxes little thought is given to the taxable capacity of the people. The only scientific basis of taxation is a just and careful estimate of the taxation and taxable capacity of the people, but no attempt has up to now been made to gauge this capacity."

Again, later he goes on :

"Taxation to be scientific ought to be upon the sure and sound foundation of a proper estimate of the taxable capacity of the people, the necessary preliminary of which is a scientific estimate of the average annual individual net income. It must be remembered that the limit of taxable capacity is not a stable fact and fluctuates in response to the manner in which taxation is based."

Again, he goes on :

"The taxable capacity of the average Indian as also of particular classes should be determined with care."

And he finishes with this statement :

"The incidence is the great point in scientific taxation and too much care cannot be taken to equalise it as far as practicable."

In referring to the incidence he sums up :

"Some of the taxes are thus specially burdensome to the poor and some, like forest duties, excise duties and canal charges, are practically only paid by the poor. In these circumstances the contention is legitimate that Indian taxation is unequal in incidence, that is, a larger proportion of the poor man's income is taken in taxes than that taken from the rich man's income."

That is how he finishes. Of course I only draw attention to this particular feature. In fact the Honourable Sir Basil Blackett was not at

that debate, but Mr. McWatters on behalf of Government has dealt with the whole thing fully, and he points out the mistakes made by the Honourable Mover of the Resolution. He points out also that this is a matter in which the Provinces and the Central Government should work together to find out the full details of the position and arrive at equitable taxation. In the course of his remarks, he also says—that was the Government view as put forward then and therefore I take it the position is clearly this—this appears at page 1662 of the Reports—that :

"The incidence of taxation has now been disturbed, both the incidence as to different classes and sections of the population and as to indirect sources of taxation. This is only one part ; I have mentioned already the necessity that Local Governments are put to find increased revenue to meet special national services ; I have mentioned the new orientation in our tariff policy ; I have mentioned the threat to the excise revenues : surely all these things point to the necessity not only of equalising existing taxation but also of broadening its basis and finding new sources."

And then, going on, he says :

"We have addressed Local Governments and invited their co-operation in a comprehensive and scientific inquiry into the whole question of Indian taxation."

He says later :

"The main problem is an adjustment of taxation to meet national needs and on a basis suited to the taxable capacity of the people and each section of it. The inquiry should be as wide as possible."

And referring to the question of the cost of this inquiry, he says :

"The only answer to that is that it is hoped at any rate that this inquiry will be a remunerative one."

That is the position taken at that time by the Government of India. Of course it was pointed out that the Resolution was accepted by the Government, though later on things ended in a different way. He says :

"I am, therefore, prepared, Sir, to accept the Resolution on behalf of the Government inasmuch as it leaves the scope and the method of the proposed inquiry entirely open, to be considered after we have received replies from the Local Governments."

Therefore it will be seen that the Mover insisted on this economic inquiry as a condition precedent to the taxation inquiry. It is clear also that the incidence of taxation was one of the grave questions that the Government considered at that stage, to be necessary to be determined by inquiry and they were prepared at that stage to accept the Resolution of the Honourable Sir Maneckji Dadabhoy. Of course it appears in the course of that discussion that the correspondence had been started previous to the discussion between the Government of India and the Local Governments, and it was pressed on them that that inquiry should be as wide as possible—this was the position taken on behalf of the Government, because we find this from the announcement relating to the acceptance of this Resolution in that form. I probably would not be correct if I did not refer to the final disposal of the matter, so that it may not be said that I did not bring it to the notice of this Assembly. At the end what they did was that "further consideration of this Resolution be postponed till the replies to the inquiries stated to have been made to Local Governments had been received." Of course this does not affect the position I have taken. When they got the replies from Local Governments, they were prepared to accept the Resolution put forward by the Honourable Sir Maneckji Dadabhoy, and that inquiry related to a full inquiry into the incidence of taxation and the economic condition of the people, and it was to be as wide as possible, so that the taxation was to be made scientific and it was to be made not to press on any section of the people unduly—a point that would need to be considered—so that it might not be an ordinary inquiry,

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as had been thought of at the time the Taxation Committee was formed. However, the announcement relating to this Committee on Taxation was made during the course of a Resolution which had been moved by the Honourable Mr. Phiroze Sethna in the Council of State on the 4th February of this year. In fact Mr. Sethna proposed the inquiry to be into the economic condition of the people of India, and the wording of the Resolution ran thus :

"This Council recommends to the Governor General in Council that a Committee consisting of a majority of non-official Indians be appointed to make a full and detailed survey of the economic conditions of the people of India, with special reference to the condition of the agricultural population, with a view to finding out the average annual income per head of the population, particularly of the agricultural population, and to inquire into and report on the measures that should be adopted to reduce as far as possible the existing distribution of poverty in the country and to raise the average economic level of the masses of the people."

That was the Resolution that was moved. In my speech, Sir, I do not take his line, and I do not place the whole history of the fight relating to this matter of the poverty and misery of the peoples of India from the time of the Grand Old Man, the late Dadabhoy Naoroji and very many other revered names of this country which had been referred to by him. The whole matter had been put forth and the speeches and writings of Western and Eastern scholars have been quoted at length. I think it would be unnecessary for me to go into all that. At last, the admission in Professor Rushbrook William's latest book is referred to where he says that "the majority of the population of British India is helpless beyond Western conception." The case has been fully put forth and arguments given, and I therefore think it unnecessary to go into the whole thing myself. But the point that I want to place before this Assembly is this. The position of the Government of India in respect of that Resolution ended with a statement that was made by the Honourable Sir Basil Blackett at the close of his speech. I wish to refer to that statement before I refer to the Honourable Sir Narasimha Sarma's statements on this question. This is found at page 73 of the report where Sir Basil Blackett says :

"But that Committee will conduct its investigations in the light of this discussion, and it will certainly be the Government's duty to see that the views expressed on all sides of this House are carefully considered by that Committee in so far as their inquiry touches this question."

I read that for the purpose of referring to the other statements made by the other Members on behalf of Government, only to show that practically what I am now asking for has been conceded (*The Honourable Sir Basil Blackett* : "Hear, hear"), for the Committee according to the Government has been appointed to go not into this question of taxation alone, but also into economic conditions. Of course there might be points which might be excluded from the inquiry—I am going to deal with them later because I am going to urge that those points cannot be excluded from the scope of the inquiry without serious waste of money and sacrifice of the interests of the country. When almost the whole task I want done is going to be done by that Committee, and if they have to collect all the necessary information in respect of all the points raised in the course of those discussions, the work that will have to be done will practically be the work that I am now asking for. My request will make it a more thorough, a more complete inquiry ; therefore I am now referring to the statements made by the Government Member who was apparently in charge of this Resolution at the time Mr. Sethna's Resolution was moved, I mean the Honourable Sir Narasimha Sarma. In the course of the

Honourable Mr. Sethna's speech in connection with this matter, he dwelt at length on the various statements made in respect of the taxable capacity of the people and the income per head of the population. All views were put forth by that Council and in reply the Honourable Sir Narasimha Sarma said :

" The Government were not idle after the 1902 Inquiry but did institute a comparison or attempted to institute a comparison in 1911. And, if I mention a figure, it is not for the purpose of stating that the Government are satisfied that that figure is correct or that the public should consider that that figure is an authoritative figure which the Government are prepared to justify ; but from all that I have been able to see, it seems to me a reasonable figure and the calculation shows that about Rs. 72 per head was the average income in 1911. And, if we take the rise in prices to be 50 per cent. after the war, then it can be fairly argued that the income is about Rs. 100. But I have already warned the House that these are figures which are not put forward by the Government, but that they are figures which, *prima facie*, seem to be deducible from certain data which have been furnished to us by officers,"

He goes on :

" but which are still under scrutiny, still under observation both as regards the methods and the criteria which have been employed. I have only mentioned them for the purpose of illustrating how difficult a subject it is and also how useless it is to arrive at averages."

Then, he goes on :

" The question of an inquiry came up for consideration recently, because the incidence of taxation is a very important problem both for the Provinces as well as for the Central Government, and the Government after careful consideration have arrived at the conclusion that it is desirable in the general interest to institute an inquiry primarily through experts for the following objects."

Then the announcement as regards the terms is made, but I will refer to it later on. He then goes on to say :

" The terms of reference to the Committee are intended to comprise an instruction to institute such an inquiry into the economic conditions of the people as it may consider necessary for the purpose of its report, and in addition the Committee should report on the adequacy of the material already available and should make suggestions as to the best manner in which it may be supplemented and the agency necessary for a wider economic inquiry.....and they would also report upon what they consider should be a suitable agency for the purpose of a wider economic inquiry such as is contemplated by the Honourable Mr. Sethna."

Further on he says :

" It is possible that a good deal of material would be collected by this body and the material placed at our disposal may not require considerable supplementing. If so, we can proceed straightaway to a consideration of the object we have in view. But if it is not so, they will be able to tell us how to proceed, what further material has to be collected, who is to collect it, what further steps should be taken and who should be employed, and what the agency is that should be employed for the purpose of instituting the wider inquiry. The Government do not want to shut out the wider inquiry."

Of course the Honourable Sir Basil Blackett in the course of his speech admits what he had been saying in another place, that he also is very much concerned. He says :

" It is also relevant inasmuch as, regard being had to the desirability later on of this broader inquiry which the Resolution proposes, it will be an instruction to the Committee that they should pay particular attention to examining the statistics that are at present available and to the possibility of improving the statistics and the agencies through which such statistics should be obtained with a view to helping in the inquiry which this Resolution desires..... The existing poverty of a large number of the people is obviously also very great, and no Government can with equanimity look on and not wish that they could do something to improve it."

I want to quote a few words more from his own speech.

" I do think that by these means we may get away from this continual difficulty which really keeps India poor, namely, that she continually lives up to the level of

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subsistence.....They will meanwhile, we hope, be going on with the expert Committee on Taxation and thus be able to arrive at some means of meeting the object of this Resolution, which is to raise the average economic level of the masses of the people."

I read all this to avoid considerable unnecessary discussion, if possible, in this House, so that we see where we are. The Government feel also that this wider economic inquiry is essential. In fact at one time they practically promised it by agreeing to accept the Resolution which was moved by Sir Maneckji Dadabhoy.

The Honourable Sir Basil Blackett : No.

Mr. K. Rama Aiyangar : I read that particular passage. Of course it cannot be said that they were prepared at that time to have the doors of the inquiry open for all that I suggest. There is care taken to put in language which might leave a discretion to shut out a portion of the inquiry. But the object and sincerity of it expressed in the course of the speeches made by Government Members would make it clear that they did not want to burke any side of the inquiry which was needed for arriving at a conclusion for a *scientific and equitable* method of taxation. I insist on these two terms, Sir, because they are the basis of the Resolution of Sir Maneckji Dadabhoy which was intended to be accepted. But I do not think anywhere in the attitude taken by the Government they have questioned this. In fact, I did read that portion of it. Sir Basil Blackett refers to the primitive stage of Indian taxation, He refers to it as crude and he wants to substitute a scientific method. (*The Honourable Sir Basil Blackett* : "More scientific") I dare say it must be a more scientific and equitable method, otherwise the great financial authority now in power would not have discharged his duty. If he has made up his mind to see that he does what he said before he hands over charge, it will be something which will considerably add to the position of India as a progressive nation. As regards the terms of reference, Sir, I beg to submit that from what I have indicated it will be very well seen that the Honourable Sir Narasimha Sarma referred to a lot of records in the possession of the Government both in the Central record office and in the provincial record offices ; he referred to a lot of literature and statistics which would enable the Government to come to a conclusion on these questions. And, as I said, if only the Honourable Sir Basil Blackett wants to arrive at a scientific method with the materials available, it would be more satisfactory to deal with the problem, and he and his Assistants in the Finance Department of the Government of India, with the officers of the Finance Department in the several Provincial Governments, could immediately take steps to put our taxation on a scientific basis and place the proposal before this House, or if they themselves have the power to place it in the form of a Statute on the Statute-book. That would be, in fact, commanding much greater confidence than the Inquiry Committee which is now sought to be sent out with a scope which is, as I will presently deal with, not at all to the satisfaction of the Indian public, or for the matter of that, could not be to the satisfaction of any public. One or two incidents that happened subsequent to this have to be referred to also before I take up the wording of the Resolution itself. It was after the appointment of the Taxation Committee had been announced and the various objections that were raised both to the terms of reference and to the personnel had appeared in the press that the Honourable Sir Basil

Blackett was in Bombay to answer certain addresses that were presented to him by the Chamber of Commerce there. Some of his remarks are very pertinent to this Resolution, for the whole matter has to be considered with respect to all the feelings that have been exhibited not only in the public but also by those who were responsible for the Committee's constitution. This is what the Honourable Sir Basil Blackett said :

"The next question which you refer to is the question of the Taxation Committee. I am seriously troubled to find such a preponderance of criticism over approbation in the matter of the Taxation Committee. It really is a question in which I have taken considerable personal interest. I have been personally responsible for the appointment of the Committee and nothing that I have ever done in the brief course of Membership has ever given me more trouble. The object of the Taxation Committee is to provide in the first instance the people of India with something authoritative in the subject of taxation in India. But I assure you, gentlemen, that the object of appointing the Committee is to be sure that if and when we raise taxes that are necessary to meet the expenditure of the Government of India and the Provincial Governments, they should be raised in the way that is best in the economic interests of India and is cheapest for the tax-payer. I am quite sure that we are getting less revenue at present at more cost to the tax-payer and at less advantage to the economic interests of India than could be done. This would be possible if we had a more scientific system and it is for the purpose of introducing a more scientific system that we are conducting our inquiry into taxation."

Then he goes on :

"It has taken a long time to pursuade the Provincial Governments to agree to the form of the terms of reference. I have not been altogether fortunate about the selection of the personnel. Things have happened which ought not to have happened. But I do attach enormous importance to this Committee from a practical point of view."

Mr. President : The Honourable Member has now reached his time limit and I must ask him to bring his remarks to a close. He has employed a great portion of his time in reading long extracts from the speeches of others.

Mr. K. Rama Aiyangar : Then, Sir, the terms of reference are objectionable for the following reasons : There has been, in fact, as I said, no response to the Resolution or the discussion in the Council of State. Principles of land revenue settlement and the necessity for putting a legal limit to enhancement at each new settlement are not included. Commercial monopolies like railways, posts and telegraphs are not included. Public debt is not included. It is impossible to ascertain the incidence of taxes without knowing the income per head of the different classes of the community so as to indicate whether what is taken by way of taxes takes away luxuries, comforts or the necessities of life. It is impossible to judge the equity of the system of taxation in its effects on the productive efficiency of the various classes of the community without knowing which portion of their income is taken away by the different levies. It is impossible to get a proper view of the problem without referring to the whole financial system and merely by dealing with the question of raising revenue without any reference to the purposes for which the revenue is spent and the manner in which it is spent. Besides these, the condition of the country is a point upon which I need not dilate. The country is very poor and in the case of the agricultural classes a condition should be laid down that those persons who are paying below Rs. 5 or Rs. 10 to Government should be relieved of the taxes, if really they could be left without being taxed on their income. All these questions will have to be gone into and it will also be necessary to find out the national resources and the average income per head of the population. I commend this Resolution to the acceptance of the Assembly.

Mr. President : Resolution moved :

"This Assembly recommends to the Governor General in Council that he be pleased to suspend the Taxation Inquiry Committee and to appoint a Committee in its place for a close inquiry into the general conditions of economic life and labour in reference to the resources of the country and an estimate of the national income."

Mr. B. Venkatapatiraju (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) : Sir, already an indication has been given by the Honourable Sir Basil Blackett that they are not going to accept any economic inquiry. It is true that several inquiries were held under the *purdah* system and their reports were confidential. In 1882, we had Lord Cromer's inquiry, in 1887 Lord Dufferin's inquiry and in 1891 and in 1898 we had two more inquiries. But the Government scrupulously avoided either the publication of the reports or the publication of the evidence. One would naturally ask why it was that the Government were averse to publish the reports or even the evidence. Indians feel that their country was at one time very rich. It has attracted all nations and it has been well known for its wealth all over the world. But what is the cause of its rising poverty which has even been admitted by an official like Dr. Rushbrook-Williams. We have had Muhammadan invasions. But the Indians only complained of them of religious fanaticism. But after the European invasion we have to complain of exploitation. That might be the cause of the poverty of the country. There are other things also to which it might be attributed. At any rate, we now find that the country is poor. The other day when I asked a question as to what was the Indian national income per head, the Honourable Sir Basil Blackett said that he did not agree with the statement made by the Secretary of State but he had no materials to place before us to hold a different view. Is there any civilized country which has neglected not to know the national wealth or the national income of its subjects ? (*The Honourable Sir Basil Blackett* : "Yes, certainly.") The Honourable Sir Basil Blackett says that there is. But such a country which he has in his mind must be a very backward country. In America, we notice that economic inquiries are made from time to time and we know about their wealth. We know not only the national income but also the individual income. I may invite the attention of Sir Basil Blackett to the fact that not only the States but even private companies have taken the trouble of finding out, on the materials available to them, the income per head of the population and not only of their own country but of all other countries of the world. I may invite Sir Basil Blackett's attention to the figures which a well known company of New York named the Bankers Trust Company compiled in 1923 as to the income per head of the population. They state that the British Empire with India has got only 56 dollars, whereas, without India, it has got 151 dollars per annum. Canada has 266, Great Britain 212, France 179, Italy 85, Germany 114 and the United States 281. In pounds, I may mention, Great Britain has 46 per head, Canada 56 per head. And what is the income of India ? It cannot be more than 4 pounds. We know, Sir, that formerly it was stated that the income was only Rs. 27, as calculated by Lord Cromer, but Lord Curzon thought it might be said to be about Rs. 30 in 1900.

Later on it was suggested by the Director of Statistics that it was about 53. The Secretary of State now suggests £4 or Rs. 60 per head. What is Rs. 60 when compared with Rs. 600 in other nations ? If our Executive Members, instead of going in their saloons, reading novels or routine papers, looked on either side of the railroad in the United

Provinces they would see the miserable huts in which the people live, the rags in which they are clothed. In their houses they have no utensils, much less any jewellery. Is this the condition which any civilized Government can tolerate without inquiring into it ? What is there in this proposal to which the Government can take exception to inquire into the economic condition of the people ? Are they not spending lakhs and lakhs on Committees which result in nothing. We the people are anxious to know the real situation, whether the people are growing poorer from day to day. Those who have had the fortune to see other countries must shed tears when they come back to India to find the miserable state in which the masses are living in India. Do you find in any country the workmen in such a condition as in India ? Can we not expect that the world-famed financial expert, who has taken charge of Indian finance, will take the statesmanlike view and find out the real economic condition of the people ? If they are growing poorer and poorer, we must know what is the cause, and how best to remedy it.

I will not take up more time, but my submission to the Honourable Sir Basil Blackett is that he should not lose this opportunity of keeping up his well known reputation and see that the taxes are properly and equitably adjusted after ascertaining the proper economic income per head of the people. It was Sir Basil Blackett who said that the Government were going in a rake's progress, in the matter of expenditure, because after the Reforms in 1916-17 we find that with one hand we got the Reforms and with the other hand we find reckless expenditure on the part of the Government. During the last seven years we have increased the revenue of the country by 278 crores, yet in spite of that we have to meet a deficit of 98 crores. We have increased the unproductive debt of 3 crores in 1916 but which is now 280 crores. Is it all for the good of our country, is it all for the improvement or amelioration of the condition of the masses ? You know in America they spend 240 crores on education, whereas you spend here a miserable pittance of 12 crores on a population of 300 million. I think it would be wise and statesmanlike for Government to come forward and accept this Resolution for an economic inquiry.

The Honourable Sir Basil Blackett : Sir, I have listened in vain to the speeches of the two Members who have spoken for any arguments in favour of the first part of this Resolution. The Resolution is divided into two parts. The first part recommends the suspension of the Taxation Committee ; the second recommends a general All-India economic inquiry. No one can fail to have the fullest sympathy with such a recommendation, but I have listened in vain in my efforts to understand what is the objection to the formation of the Taxation Committee. Nothing whatever has been said either by the Mover or Seconder of the Resolution on that point.

Mr. V. J. Patel : You should have waited.

The Honourable Sir Basil Blackett : If I do not get good reasons in the first two speeches, including the speech of the Mover, I am entitled to assume that they have a very poor case.

The Honourable Mover gave us something of the history of the Taxation Committee, but he seemed to be entirely unaware that this Taxation Committee was instituted by the Government after the formal authorization, in fact under the directions of the Assembly, which voted the money for the purpose last March. The Honourable the Mover

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spoke at some length in regard to what happened in the Council of State. He read the Honourable Sir Maneckji Dadabhoy's Resolution of July 1923 a year ago, and mentioned the fact that the Government of India had accepted it. They accepted it subject to conditions. Now he did not read some very important parts of that discussion to which I should like to draw his attention. The discussion in the Council of State in July 1923 was illuminating. Sir Maneckji Dadabhoy in moving his motion drew attention to the defects in the Indian financial system. He said :

"I say with great respect that the system adopted in India from time to time by successive Finance Ministers has been more or less undefined, sporadic and haphazard, one devoid of any economic or scientific calculation and only sufficient to tide over the momentary embarrassments of Government and requirements of any particular year."

Others supported the view that something more scientific should be introduced. Sir Maneckji Dadabhoy however had demanded a taxation inquiry with a view to its thorough revision and with special regard to the taxable capacity of the people.

Let me remind the Honourable Member of the view which was taken by some of the Members in the Council of State. The Honourable Mr. Lalubhai Samaldas said :

"The Honourable Sir Maneckji Dadabhoy has talked about national capital, national and individual average income and the taxes to be fixed on these. I wonder, Sir, if he realizes what this means. If a real inquiry had to be conducted and was taken up in right earnest in the same spirit in which he asks it to be done, it would take years.

I believe a similar inquiry was made in one or two districts. If the whole inquiry is to be made all over India by a roving commission composed of economists, financiers, capitalists, land owners, etc., going from village to village, *taluk* town to *taluk* town, from district town to district town, taking evidence and getting all sorts of statistics, it will be another twenty years before it can complete the inquiry. By that time no one of us will be here."

He went on to point out that you could not take up the question of provincial taxation without leave of the provinces.

Then another Member of the Council of State also spoke on that debate. He said :

"I wish the Honourable Sir Maneckji Dadabhoy had told this House what country in this world had a taxation system based on such good qualifications as an economic, equitable and scientific basis. It would appear to me, Sir, that the ideal method of taxation would be that which takes from the citizen the surplus which he could afford to give without putting him to any straits ; but I have sought in vain many a book on economy in order to hit upon some country, some economist who has satisfied his country that the system of taxation there was either scientific or equitable or based on a basis which met with the approval of all."

That, Sir, as the Honourable Sir Purshotamdas Thakurdas will recognise, came from himself ; that was his view on the subject of the economic inquiry. Sir Purshotamdas Thakurdas very rightly took the view that :

"as the Central Government have addressed the Provincial Governments it will be well to discuss the Resolution further when the opinions of the Provincial Governments are received."

The Honourable Mover seemed to think that there had been some change in the attitude of Government from the time of the debate in July 1923. I can assure him, there was not. The taxation inquiry was conceived in my own mind at any rate very shortly after my arrival in India.

It was given a considerable impetus by a speech made by Mr. Ginwalla in March 1923, in which he drew attention to what was an obvious defect in the organisation of the Government of India, that it had no department that was really expert in taxation problems as apart from financial problems. The Inchcape Committee drew attention to the same defect and one of the results of their recommendations has been the appointment of a Central Board of Revenue which may train experts and become an expert department in this subject of taxation which, I may remind the House, has become a very practical subject since the war. There have been inquiries very much on the lines that we propose to make them, in a great many progressive countries since the war. We in fact are following rather late in the day in the steps of such countries in making this inquiry. The Government proceeded to consult the Local Governments and when the Honourable Sir Maneckji Dadabhoy's Resolution came up they announced that fact, and, after the Resolution was postponed with a view to hearing what the Provincial Governments had to say, the matter was discussed with the Provincial Governments both in written communications and at very considerable length at a Conference of the Finance Members of India held at Delhi in November, 1923. At that meeting the proposal to appoint a Committee with the terms of reference just as now proposed was unanimously agreed to by the Finance Members. The terms of reference were actually drafted by a committee of those Finance Members. The Local Governments were then asked to give their formal approval to what their Finance Members had agreed to and they unanimously accepted. That was the position when the second Resolution the Honourable Mover has mentioned—the Honourable Mr. Sethna's Resolution in the Council of State—came up on in February 1924. At that time the Government announced the terms of reference of the Committee and their general intentions in regard to personnel and the Council of State did not pass the Resolution that was proposed by Mr. Sethna but it passed the following which was agreed to by the Government :

"That this Council recommends to the Governor General in Council that the Local Governments may be consulted with regard to the desirability of undertaking an inquiry into the general economic conditions of British India and whether they are prepared to support the proposal to appoint a Committee and to co-operate in its labours."

The Council of State accepted the view that the Taxation Committee could desirably start its labours while those consultations with the Provincial Governments in regard to a more general economic inquiry were being made.

Mr. A. Rangaswami Iyengar : Are they going on now ?

The Honourable Sir Basil Blackett : I am coming to that. The next step the Government took was to place the proposal for the Committee, its terms of reference and an estimate of its cost before the Standing Finance Committee, and after receiving their approval the proposal was placed before the Assembly among the Demands for Grants. The Demand for Grant in which it was included was the normal grant for such committees, namely, the Miscellaneous Grant Head No. 47. That was one of the grants which was passed by this House without discussion. From that fact and from the fact that no notice of any kind for the omission of that item was put down, the Government are surely entitled to the view that at that time the Assembly

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not only accepted the desirability of the Committee but wished to proceed with it. What change has occured since then? So far as I can understand, no change at all has occurred. The Government have proceeded in accordance with the directions of the Assembly to appoint the Committee. They have as a matter of fact postponed the first formal meeting of the Committee until November. They found that they could take advantage of the presence in England of the prospective Chairman and Secretary of this Committee as well as the member from Somerset House and the Inland Revenue in England, to avoid the necessity of any expenditure for the Government of India during the six or seven months preceding the cold weather here. During that period the Government of India are getting the advantage of preparation of statistics in India. We have circularised all the Local Governments and others with a view to the collection of data, and prospective members of the Committee in Europe have been giving their spare time at no cost to the Government to examining the condition of affairs in some European countries. They have been collecting statistics in Geneva and in London. All the members of the Committee have, I understand, been in consultation with each other, some orally and some only by letters. Now it is in these circumstances that the Honourable Mover comes and asks us to suspend the inquiry. I suggest to the House that it is not in accordance with its own dignity that it should now turn round and recommend a reversal of its own deliberate decision taken six months ago—a decision on which the Government have acted as in duty bound. The decision to appoint a Taxation Committee rather than a general All-India economic inquiry was deliberately taken after public discussion. The reasons for preferring to begin by a taxation inquiry were fully stated by the Government before the House arrived at its decision. There has been no change in the circumstances since then—no change which would justify a reversal of policy; and I feel sure in these circumstances the House will not desire to be so inconsistent as to adopt the Resolution now before it in the form in which it stands.

Let me now turn to the proposed economic inquiry. It will be remembered, as I have already read it out to the House, that on February the 4th, 1924, the Government agreed to a Resolution in the Council of State to consult Local Governments on this subject. The Government have since that date consulted Local Governments on the subject. Now the Resolution was "to raise the economic level of the masses of the people." That was stated to be its purpose. Such an object is one with which no one could fail to feel the utmost sympathy. The Honourable Mover has already referred to what I said in the Council of State on the subject. I was talking of the potential riches of India. Drawing a distinction between the potential riches of India, obviously very great, and the existing poverty of a large mass of the people of India, which is also obviously very great, I said then and I repeat now that no one can see that contrast without desiring to do all in his power to serve the object of the Resolution, namely, to raise the economic level of the masses of the people. I was sorry to hear the last speaker repeat what I regard as the ridiculous nonsense about India having been a rich country and made poor by the arrival of the British. It is so obviously untrue. It is stated often and it is believed by some ignorant people, but I do not think that an Honourable Member of this House should

come here and give vogue to such an obvious untruth. That India has attracted in all ages the traders from other parts of the world, that India has been the home of gold, of treasure and of jewels for all ages, is a well-known fact. India is still a sink of gold, of jewels and of treasure, but the economic level of the masses of the people certainly was not higher in the days of Nadir Shah than it is to-day. There is no foundation whatever, I think, for that historical statement, and I do not think that anybody is benefited by trying to drag into the discussion this sort of historical myth which can merely serve to grace a perfervid peroration.

Now the Provincial Governments obviously share the view of the Government of India that it is desirable to do what can be done to raise the economic level of the masses of the people. We have passed away from the theory of the Manchester School—the theory of *laissez faire*—that the sole duty of Government is to maintain law and order internally and on the frontiers. It is no longer considered to be sufficient that a Government should confine itself to that task. One of the particular purposes of the reforms was to distinguish between the functions of the Central Government and the Provincial Governments and to give the Provincial Governments more time to attend to this task of doing what they can for what are called the nation-building services. The Central Government's functions were deliberately arranged so that, apart from their general supervision and control, they should be concerned mainly with these older functions of government together with the task—and the very important task—of maintaining unity amid diversity, a federal union among a series of politically autonomous governments. The functions of the Provincial Governments, however, are those which are mainly concerned with the raising of the economic level of the masses. This involves something of a federal system and it involves special attention to the questions of federal finance on which I propose to touch in a moment. But it also makes the views of the Local Governments on the question of an All-India economic inquiry not only important but almost decisive. We have not yet received replies from all the Local Governments to the circular that was sent out by the Government of India on the subject, and until they are received a final conclusion cannot be arrived at. We do not want to prejudge the issue ; but I may say that so far the replies received from Local Governments strongly suggest that they do not desire an All-India inquiry. Only one Government so far has expressed its willingness to support the proposal, that is the Government of Bombay ; and its reasons for giving its support are interesting. It bases its support not on the merits—because I gather it thinks that the inquiry can better be done locally—but on the view that an authoritative inquiry would put the Government in possession of facts to disprove the wild allegations frequently made regarding the great and increasing poverty of the people of India. I can only sympathise with that view. As I have said, nothing has startled me much more than the frequent repetition of that outrageous misreading of history, since I came to India. The Bombay Government, however, never for a moment suggests that the taxation inquiry should be suspended meanwhile. The other Governments are all more or less emphatically opposed to an All-India inquiry ; they lay stress on the great variations which exist between different parts of India and Burma. This is a point which jumps to the eye. An All-India figure of the index number for the cost of living, even if you exclude Burma, is obviously

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merely meaningless. A figure purporting to give the average annual income of an Indian taken for the whole of India and Burma is even less useful. What is needed and what the Local Governments all want is a more detailed inquiry in regard to particular areas and particular classes. Many of them are already engaged in one way or another in conducting these inquiries. As I have said the Government of India do not desire to come to a final conclusion on the question of the institution of an All-India economic inquiry at the present moment until all the replies have been received. But it is evident from the replies that have been received that the unanimous consent of the Provincial Governments, which is essential for a satisfactory inquiry to be instituted, will not be easily or quickly obtained.

For these reasons, Sir, while the Government have every sympathy with what they take to be the underlying purpose of the Honourable Mover in pressing for an All-India economic inquiry, they are not prepared to commit themselves to the second part of the Resolution which asks for an All-India economic inquiry. In particular the Government could not agree that any committee, whether the Taxation Committee or Economic Committee, should waste its time in trying to obtain an average figure of the annual income of an Indian. I have very little belief in the value of such an estimate even in a country like England which is fairly homogeneous. I may tell the Honourable Seconder of the Resolution that the British Government have invariably stated that they are unable to give the kudos of government approval to any of the various estimates of the national income or national capital of the United Kingdom that have been framed from time to time. They do not regard them as more than more or less useful guesses by individuals who have chosen to make such guesses. (*Mr. A. Rangaswami Iyengar* : "They are great economists.") There are very many great economists in England who have attempted to produce estimates of the average annual income of an Englishman. Those estimates prepared on the same data for the same time by very well equipped economists have frequently varied by something approaching 100 per cent. That being so, what real use is there in an average annual figure of the income of India and Burma ? What would be the meaning of the average annual income of a European in Europe, even excluding Russia ? I am afraid the same is really true of an Indian excluding Burma ; because the value of money varies from time to time and place to place. Mr. Venkatapatiraju quoted the figure of the average annual income of a subject of the British Empire, including India, as 56 dollars. Well, what on earth does that mean ? In Australia, I believe, 4 shillings buys what one shilling buys in England, because you have got a high protective tariff. The income of an Australian might be four times that of an Englishman stated in terms of dollars ; but he would really be exactly as well off. You have got to take the differing value of money in different parts of the world and different parts of the area for which you are taking the estimate into consideration, before it begins to be of any use. Then the term "income" itself requires careful definition before you can say what the average annual income is. It has been my experience that when one produces some figure as the average annual income for any area very few people who see that figure have the least notion as to what the definition of income was. I have already pointed out, I think,

in this House that as the result of the addition of £7,000 millions to the National Debt of the United Kingdom during the war, according to certain estimates the national income of the United Kingdom was increased by £7,000 millions, that the addition to the National Debt due to the war meant an addition to the average annual income of each individual in the country ; and that is true unless you are very careful in the statistics before you. Statistics are very useful if you use them properly, if people understand how they should be used ; but the idea that you can invent an average annual income for an Indian and then base on that a scientific basis of taxation is really quite unfounded. No one will be any better off than before.

I trust I have convinced the House that however desirable an economic inquiry might be an inquiry that is going to extend to the details which seem to be in the mind of the Honourable Mover of this motion cannot really be useful for the purposes of the improvements which we desire in our system of taxation. If a system based on a scientific and equitable basis calculated according to the taxable capacity of the people and the average annual income of the people could have been framed, would not every progressive country in the world have framed such a system and worked it long ago ?

Now, let me invite for a moment the attention of Honourable Members to the terms of reference of the Taxation Committee which is under consideration and to the Resolution of the Government of India which announced the terms of reference. They will see that the Taxation Committee are already charged with making an extensive economic inquiry so far as is necessary for the purposes of their investigation. That is the only limit that is placed upon them. It is a very careful limitation with a view to ensuring that their inquiry shall be limited to the purpose in view and shall not be a roving inquiry, such as Sir Purshotamdas Thakurdas and Mr. Lalubhai Samaldas, speaking in the other House, feared might take place. It is exactly to avoid any such roving inquiry that the terms of reference have been carefully defined. The Committee are further charged with the task of considering the burden imposed on classes of the population without regard to territorial limits ; and to consider the whole scheme of taxation, Central, Provincial and Local. They are charged with the very important duty of considering the most efficient methods of collection. Their investigation must necessarily provide very valuable data for further studies of the economic conditions of India and in accordance with the promise given in another place there is a specific direction to the Committee contained in the Resolution that they should give particular attention to the question of collecting data.

Now, the need for this inquiry is, I submit, an urgent one. It is generally recognised that our taxation system could be improved. I believe myself that it could be quite considerably improved. I interrupted an Honourable Member in the course of his speech when he said that I had stated that what I wanted was a scientific system of taxation. What I do want is a more scientific system. There is a very big distinction between a more scientific system and a scientific system. It is very difficult to extend science into all the psychological regions which taxation invades.

The need for the inquiry is, I think, evident and urgent. India has recently been given a reformed political constitution. If that constitution

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is to progress, it is necessary that there should be an inquiry into the complicated subject of federal taxation, a subject which has proved a thorny one for every federal constitution in the world. There is very much to be learned from the failures and the successes in the direction of federal finance of existing federal governments. It is a subject to which a great deal of attention has been given in the United States and in Switzerland. It is being studied in Canada at the present moment. It is a subject which is very much to the fore in Australia. Without such study the Central Government and the Local Governments are agreed that they cannot advance politically and economically as much or as fast as they should. If the Meston Settlement is to be revised, this inquiry is obviously necessary. It is an essential preliminary to the inquiry into the expenditure side of the question—a very important side of the question, which would be necessary for the same purpose. Before we can frame a settlement, I will not say which is satisfactory to everybody, but which is more satisfactory than the present system to some of those concerned, this inquiry is an absolutely essential preliminary. The great change that was made in 1919 in the relations of the Central Government with the Provincial Governments is I think not always quite realised. Before 1919, the Provincial Governments were, as I may say, emanations of the Central Government carrying on all the functions of the Central Government locally, subject to general superintendence from the Central Government. There was no clear distinction between the functions of the two Governments and there was no clear distinction between their revenues. An attempt was made in 1920 to create this distinction and there are now Provincial revenues and Central revenues. But there are an enormous number of problems that are still unsolved. Let me give one example. Excise has become a provincial subject. The excise duty is collected by the Provincial Government. But it is economically desirable and is historically the fact that distilleries should be in one province and should provide the needs of another. Now, is the consuming province or is the producing province to take that revenue ? It is a problem that can only be solved by an understanding between the two. We are, I believe, very near a settlement of that problem. But if you do not settle that problem, see what happens. You probably get a new distillery built in the province that has not got one, which is economically very bad for India (quite apart from the question of consumption of alcohol), and you get something approaching a ring fence of excise barriers between province and province. You break up the whole economic unity of India. That is only one example of the many problems that arise in dealing with federal finance, and that is one of the problems that this Taxation Committee will, I hope, look into.

Then there is the question of the suitability of existing forms of taxation and existing methods. It is categorically stated in the Government Resolution appointing this Committee that the Government have no intention of increasing taxation. Indeed, I am hopeful that as the economic disturbances arising out of the war pass away, the yield of existing taxes may increase and thus enable us either to reduce existing taxes or—what comes first in the case of the Central Government— to give some relief in the matter of provincial contributions. Then there are particular sources of revenue which are liable to disappearance. Let me draw the attention of Honourable Members to to-day's order paper. The first

proposes that we should not inquire into the taxation system of India. The second proposes that we should bring about a state of affairs in which neither the Central Government nor the Provincial Governments will get any revenue from alcoholic liquor. That is a loss of something approaching 20 crores of existing revenue. The fifth proposes that we should get rid of the excise duty on cotton. I think there is another Resolution, which probably may not come up to-day, but which is the seventh on the order paper, which has a direct connection with our opium revenue. We are already suffering a constant diminution, which I for one do not regret—in our opium revenue and it is obvious that all these revenues are at any rate to some extent precarious. In these circumstances is it not obviously desirable that we should have an inquiry into taxation—an inquiry sufficiently wide to cover the subject, but sufficiently narrow to secure that it will not be a roving inquiry which will go on for generations without any practical result, an inquiry which will be useful for the Governments and Legislatures of India when they come to consider the changes in taxation which are obviously due in the course of nature in the fairly near future ? The Mover hastily read out some of his objections to the existing terms of reference at the end of his speech when he was unfortunately unable to continue it. He says that it does not deal with land revenue. It deals with land revenue in so far as land revenue is a taxation subject. It does not deal with land revenue in so far as land revenue is a question of politics and administration. Obviously you must have a very clear distinction there. You could not have the Central Government even with the approval of the provinces going and interfering in the autonomy of the provinces in this matter of land revenue. It is a very clear distinction, and it has to be there. It does not deal with Railways—the Honourable Mover said. We had a discussion about Railways yesterday and I for one always object to Railways being regarded as a method of taxation. It does not deal with monopolies. It certainly deals with salt revenue and things of that sort. It does not deal with debt. Debt is an expenditure subject ; it is not a question of taxation. We must try and do one thing at a time. And it does not deal with the poverty of the people of India—the Mover said. I hope it will deal with that question, as I have already said. Some of the objections which were taken on one occasion when this subject was discussed in the Council of State were that the Committee might deal with poverty more effectively by taxing some of the richer members of the community more than they are being taxed at present. But that is in the future at any rate. Surely we want an authoritative report on this subject. The proposal for this Committee has been carefully thought out in advance. It was examined fully with the Provincial Governments both in written and oral communications. It has been discussed on broad lines on at least two occasions in another place. The special recommendations of the Government of India in regard to its appointment and its terms of reference and the expense which it would involve were placed before the Standing Finance Committee and the grant after approval by the Standing Finance Committee was passed unanimously by this House. It was not until the Government were armed with that authoritative direction from the Assembly that they proceeded to appoint the Committee and set it upon its preliminary investigations. In these circumstances, I confidently appeal to the House that at this stage it shall not stultify its own action and stultify the action taken by the Government of India by passing a Resolution for the suspension of the inquiry.

Mr. V. J. Patel (Bombay City: Non-Muhammadan Urban): Before I address you, Sir, on the merits of the question raised by this Resolution, I should like to enter my emphatic protest against use of language which in an Assembly of this character should have been avoided. My Honourable friend, Sir Basil Blackett, in addressing you referred to the speech of my Honourable friend Mr. Raju, and I remember that he used the words "Mr. Raju talked ridiculous nonsense"—these are his very words, "that he was talking an obvious untruth". I strongly protest against the use of such expressions in this Assembly, and I am sure that my Honourable friend, Sir Basil Blackett, when he realises that he has really done an injustice not only to Mr. Raju but to the whole Assembly, will repent.

The Honourable Sir Basil Blackett: If I may intervene for a moment, Sir, I had not the slightest desire or intention to accuse Mr. Raju of any of the crimes which I appear from Mr. Patel's statement to have accused him of. What I said, and I wish to repeat it, is that I regret that such statements which I regard as ridiculously untrue should be repeated in this House.

Mr. President: I hope that all Honourable Members, even when convinced of the inaccuracy of statements made by others, will be careful how they use such words as 'untruth'.

Mr. V. J. Patel: Thank you. The Honourable Sir Basil Blackett wanted to know why we objected to the existing Committee and why we wanted to have it suspended. I do not know why my Honourable friend, Mr. Rama Aiyangar, wants to suspend the Inquiry Committee. Does he mean to revive it at some future time? The fact is that he wants to have it dissolved or disbanded and to have another Committee appointed for an economic inquiry throughout India. His sole object is therefore not to have the Committee suspended with a view to revive it at some future time, but to dissolve it altogether. That is my position at any rate. I would like to see the present Committee disbanded altogether, and for these reasons, I see no other result from this Committee except a recommendation for further taxation. If you have followed the speech of my Honourable friend, Sir Basil Blackett correctly, and if you read between the lines, you will find that his whole object is to get more revenue. He fears, and very rightly fears, that the excise revenue is bound to go under the pressure of public opinion. He also fears that the liquor revenue will disappear; if not now, at least after some time, because this country, unlike other countries, is for prohibition, total prohibition of liquor. He has also got to find funds for giving effect to the recommendations of the Lee Commission. He knows that very well. He has got to find extra revenue for all these purposes, and if you have followed him quite correctly his whole idea in appointing this Committee is to have recommendations for further taxation and therefore no other result could be expected out of this Committee. Under the circumstances I strongly object to the appointment of any such Committee because in my opinion Government are placing the cart before the horse. The first thing that the Government should do is to inquire into the economic condition of the people and their capacity to bear any additional taxation. We have already been complaining for years past that this country is overburdened with taxation and that the time has come when Government should go into the whole question and try to see if taxation could not be reduced. Instead, the Government all at once starts a taxation inquiry under the plea of putting the taxation on a more scientific basis, admitting thereby that the taxation system is already

on a scientific basis. Therefore I say the first thing to be done in this respect is to have a thorough inquiry into the economic condition of the people of this country, and unless you do that it is not possible for any Government to say whether the country is in a position to bear any further taxation. That is one ground on which I object to this Committee. We want an inquiry first into the economic condition of the people and to find out how the people of this country are capable of bearing any additional taxation before we go into any question of taxation at all.

The second reason why I object to this Committee is because of its personnel. I strongly object to its personnel. The personnel is not at all satisfactory. Government should have consulted this Assembly before they appointed a Committee of this character. It is a very important Committee, involving as it does an inquiry of a very far-reaching character, and I should have thought that Government before committing themselves to any such position would have consulted this Assembly. Instead, the Government have appointed a Committee of their own selection. You have as usual a member of the I. C. S. as the Chairman of that Committee and another member of the I. C. S. as Secretary. That is a sure guarantee that Sir Basil Blackett will have his recommendations for taxation. Can there be any doubt about that ? There is one gentleman. I do not know his name (*A Voice*: "Sir Percy Thomson.") Sir Percy Thomson from England. I do not know who he is. I have never heard of his name. But there he is. He is perhaps an old friend of Sir Basil Blackett. I do not know. When he will come over here, we will know what qualifications he possesses. Then you have got three Indians, all excellent economists no doubt. One of them is a Member of this House, a very distinguished Member, Dr. Hyder. Then there is Dr. Paranjpye from Bombay. He is a personal friend of mine. I have great respect for him. We have worked together in the Bombay Legislative Council for years and I can say that he is a very good schoolmaster, but so far as economy is concerned a worse choice could not have been made. I do not know what induced my friend Sir Basil Blackett to place his choice on Dr. Paranjpye. He is a very amiable gentleman, a very estimable gentleman, a very capable man, but for this work he is in my opinion absolutely unfit. Then there is the Maharaja of Burdwan. I think I need not say anything about him. The less said about him the better. I leave it to the House to judge whether the personnel selected for this Committee is at all satisfactory for the purposes that we have in view. I have not the slightest doubt in my mind that with this personnel Sir Basil Blackett will have the recommendations that he wants from this Committee. And when the report comes before this Assembly he will say, here is the unanimous opinion of three Indian gentlemen, all respected men, all men holding public positions, all men having the cause of the country at heart, and you have no right to say anything against them ; you must accept their recommendations in the same way as you were asked to accept the recommendations of the Lee Commission by my friend Sir Alexander Muddiman. We do not want this inquiry in the first place because it is putting the cart before the horse, and in the second we object to the personnel of the Committee altogether. We demand a Committee to make an inquiry into the economic condition of the masses, a Committee to be selected by this House—two-thirds to be selected by this House and one-third to be nominated by Government. That is the sort of Committee that we want and not this Committee. And we therefore say this Committee should be disbanded altogether. We were told

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that we voted the grant for the expenditure. We never did anything of the kind. You know what happened at the time of the Budget ; you know very well, you will have a full picture before you, if you will only just refresh your memory and realize what was the state of tension at the time and you will at once see what Demands for Grants we considered and what we did not consider. If I remember right, this particular grant came on on the last day when the guillotine was applied and there was therefore no consideration of this grant upon its merits. (*The Honourable Sir Basil Blackett*: " In the same way as the Income-tax.") The same as the Income-tax ! It would have met the same fate, I assure you, if you had allowed the House a chance. But under the rules of this Assembly you can discuss Demands for Grants for a particular number of days only, and at the end of those days all the remaining grants are put to the vote and guillotined and we have no opportunity of discussing them. But I assure Sir Basil Blackett that if we had got the opportunity we would have there and then objected to this particular grant. There is no doubt that from the time that we knew of the appointment of this Committee, we have been protesting both from the press and from the platform against this Committee. We do not want any Committee which is likely to suggest any additional taxation. The country is not in a position to afford any additional taxation. If you will allow me to speak out what you would consider as obvious untruths, and at the risk of being called uncompromising or impertinent, I should once again bring before this House what we consider to be the true condition of India to-day. Why is it that you shirk this inquiry ? Why do not you want to make this inquiry ? We have been repeatedly asking you for this inquiry. Times out of number this House by questions and Resolutions have been pressing the Government to make an inquiry into the economic conditions of the people of this country. Years ago in 1902 my late lamented friend Gopal Krishna Gokhale asked the Government of India to undertake an economic inquiry into the conditions of the masses. You would not do it. The Famine Commission sat in 1898. They examined several witnesses. The whole of the evidence was shut out. Why ? That evidence never saw the light of day, as the evidence in respect of another famine commission appointed in 1924 never saw the light of day—the Lee Commission. (Laughter.) Several inquiries were made as stated by my friend Mr. Raju regarding the national income and resources in days gone by estimated by several authorities. The evidence recorded in those inquiries has never seen the light of day and we do not know anything about those inquiries. Why is it that Government are not prepared to face a public inquiry into the economic condition of the people in this country ? The reason is obvious. You know that as soon as that inquiry has been set on foot, so many ugly things will be said and brought out and exposed about British rule in India that you dare not face such an inquiry. That, it seems to me, is the only reason. As a matter of fact the country, as I have already mentioned in connection with the Lee Report, which was the richest country in the world is to-day the poorest. That is the position. We had a most excellent system of industries, a most excellent system of handicrafts. Where is all that ? It has all been destroyed under your system of government. Can you deny that ? You can go on denying but then why don't you make an inquiry ? As I told Mr. Chatterjee the other day, your conscience is guilty. A country which produced the best of

materials, which attracted you and those who were unemployed in other countries to this country, dreaming of the wealth of India, that country now is the poorest country in the world ! (*Voices* : " No, no ".) Then why don't you make an inquiry, I ask once again ? Mr. Rama Aiyangar wants an inquiry into the economic condition of the people in this country before you proceed further with your Taxation Inquiry Committee, which you have appointed for purposes of your own (*The Honourable Sir Basil Blackett* : " Why ' before ' ? ") Because without an economic inquiry, you cannot go on with the question of taxation, you cannot determine what taxation the people are capable of bearing. We say that the people are not capable of bearing any further taxation; you say, " No, they are ". That is the difference between us and the Treasury Benches. We want a thorough inquiry into the economic condition of the people of this country before you think of additional taxation. You know that 80 per cent. of the people of this country live on agriculture and agricultural labour. It is because the industries have been destroyed, it is because the trade has gone,—that is why so many people have to fall back on agriculture and agricultural labour—and I repeat once again that millions of the people of this country are living on one meal a day, and I want you, the Members on the Treasury Benches, to try that experiment yourselves for a week, and I would like to see your faces on the eighth day (*The Honourable Mr. A. C. Chatterjee* : " Have you tried it " ?) Millions of the people of this country are living on one meal a day. Is it or is it not a fact ? (*The Honourable Sir Basil Blackett*: " I would not say ' no '. I have very definitely said, ' yes '.") Very well, one fact is admitted that millions of people in this country live on one meal a day, and among those millions you are not there; that is absolutely certain. (*The Honourable Mr. A. C. Chatterjee* : " Are you ? ") I am sorry; I am not, but I am here to represent them; you are not (*The Honourable Mr. A. C. Chatterjee* : " I do not say I am.") Can you say there is any country in the world where such a large proportion of its population is living on one meal a day ? That is the condition of the country after 150 years of your rule ! (*Mr. T. A. Chalmers*: " Did they have two meals a day before ? ") Oh, you are sure they lived on one meal a day ? (*Mr. T. A. Chalmers* : ' I am asking "). That is why we want an inquiry. You may say that some of the conclusions we draw are harsh, they are not correct, they are obviously untrue, you may say all sorts of things. We say, " All right, let a Committee hold an inquiry; let us see who is right and what can be done to remedy this ". And you shirk such inquiry (*The Honourable Sir Basil Blackett*: "Read history, Aurangzeb.") (*An Honourable Member* : " History made to order ? ") Who made the history ?

The Honourable Mr. A. C. Chatterjee : Why don't you make your own ?

Mr. V. J. Patel : You have manufactured the history for your own purpose. Take for instance this Committee which you have appointed, it makes a report as you want it. Twenty years hence, the then Finance Member might quote passages from it and say that the Committee with three eminent Indians had said so and so. You will call it history. Such history is worthless, and it would not be worth the paper on which it is written. It is history manufactured by you for certain set purposes and cannot be relied on. We want an inquiry made by independent men, men in whom people have confidence, not men appointed by you. That is what we want. Why don't you do

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it ? We again and again say that ignorance, poverty, disease and epidemics are the order of the day under your rule. We repeat this indictment times without number. We challenge you to prove otherwise. Ignorance, because you have always resisted our attempts, our endeavours for the introduction of free and compulsory education in this land. You have kept the people of India absolutely ignorant. Ninety-five per cent. of the people are steeped in utter ignorance.

The Honourable Sir Basil Blackett : Some of them are here.

Mr. V. J. Patel : Some of them are here. They are on the Treasury benches ! That is what you have done about the education of the masses of the people committed to your charge. And when I talk of disease and epidemics, you know that in Glasgow plague broke out some years ago and it was eradicated in one year. In India plague started in 1896 and every year regularly we have a visitation in Bombay. You have not been able to do anything in the matter. Why should you ?

The Honourable Mr. A. C. Chatterjee : Have you allowed everything to be done.

Mr. V. J. Patel : What can we do ? You are our masters for the time, brown or white, whoever sits there. That is the position. Then, Sir, talking about diseases and epidemics, only 5 years ago we had a severe outbreak of Influenza and 60 lakhs of people died in three months alone. This is your wonderful organisation of medical relief and sanitation. This is your rule, and yet you say that everything is well governed, governed in the interest of India by the Indian Civil Service. That is the position. I once again challenge you to hold an open public inquiry as suggested in this amendment of Mr. Goswami and prove that we are wrong. I now conclude with an appeal to the Mover of this Resolution to accept the amendment of Mr. Goswami.

Mr. T. C. Goswami (Calcutta Suburbs : Non-Muhammadan Urban) : Mr. President, with your permission, I wish to move the amendment which stands in my name, which is as follows :

" That for the original Resolution the following be substituted ; namely :

' That this Assembly recommends to the Governor General in Council, that he be pleased immediately to dissolve the present Taxation Inquiry Committee and instead thereof to institute a thorough inquiry into the economic condition of the various classes of the people of India, their income per head, their capacity to bear the existing burden of taxation, and the general resources of the country, through a representative Committee, at least two-thirds of which shall be elected by the Indian Legislative Assembly."

While thanking Sir Basil Blackett for his illuminating lecture on federal finance, I am obliged to say—I shall not be very uncharitable —that his speech was not so much an example of bad advocacy as the result of an increasing conviction of the weakness of the case which it was his business to defend. The defence of both parts of the Resolution, which the Honourable Sir Basil Blackett rightly said *can* be separated, is very weak indeed. As for the terms of reference to the Taxation Committee,—I shall come to them in a minute. There was one point on which Sir Basil Blackett laid special emphasis. He said that the Assembly had voted money for this Taxation Committee and he referred to the deliberate decision of the Legislative Assembly. Well, I suppose, words have their meaning and I wonder what that word

"deliberate" meant in the phrase which he used,—"the deliberate decision of the Assembly.". As my Honourable friend, Mr. Patel, has pointed out, the demand under this item came under the guillotine during the Budget discussion. No opportunity was available to the Members of this Assembly to express their opinion on this Committee. I might remind Sir Basil Blackett that early in June, as soon as the personnel of the Taxation Committee was announced, I handed in to him a copy of my Resolution which the ballot has awarded to my Honourable friend, Mr. Rama Aiyangar. And he must have seen after that in the press repeated and pointed criticism both of the personnel and of the terms of reference of this Taxation Committee. He could not have failed to notice that dozens of Members of the Legislative Assembly sent in this very Resolution (or something very much like it) in order that it may have a chance in the ballot and that the Resolution may be discussed and that we may express our emphatic opinion that this Taxation Committee should be dissolved immediately and an inquiry should be instituted through a representative Committee into the economic condition of the country. Sir Basil Blackett has told us that the Provincial Governments have opposed an economic inquiry. Obviously, they would. I did not expect that they would do anything else. Therefore, it becomes all the more necessary for us in this Assembly to emphasise our opinion that this Committee should be immediately dissolved. Sir, with your permission, I will refer to a debate in another place. I am not at all discouraged or frightened by the fate of a similar Resolution in the Council of State,—I mean the Resolution moved by the Honourable Mr. Phiroze Sethna on the 4th February, 1924. I shall not take the time of the House by reading the Resolution which was moved by the Honourable Mr. Sethna, but I take it Honourable Members are aware of the text of that Resolution. During the discussion on the Resolution in the Council of State, Government induced the Honourable Mr. Sethna to withdraw his Resolution. And I find—a thing which is not surprising in the other House—that the Honourable Mr. Sethna found out this excuse—that, if an economic inquiry were instituted, people would think that it was with a view to, and an effort at, increased taxation. Well, Sir, I should like to say that it is only when you have a Committee consisting of men who are admittedly not the representatives of the people going into an inquiry, deliberately with a view to further taxation, that the people would have the apprehension, and not in the case of a Committee such as we suggest.

Sir, the Honourable Mr. Patel has referred to the personnel of the Committee. I will just remind the Honourable Sir Basil Blackett of something which he said in the Council of State on the 4th February. "They will meanwhile", he said, "be going on with the expert committee on taxation." So the Taxation Committee, the personnel of which has been described by the Honourable Mr. Patel, is an expert taxation committee? Experts indeed!

I can well understand a committee of real experts, but I do not understand a fancy and fashionable committee of political prize-babies.

The Honourable Mr. A. C. Chatterjee: Will you name your committee of experts?

Mr. T. C. Goswami: When occasion arises I hope to be able to do so.

When you talk of the expert opinion of any committee constituted by the Government, I am reminded of what an eminent educationist once

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said of the imported Imperial Education Service : " Every bottle-washer is a chemist in India." And, of course, the Civil servant is omniscient ; he sings :

> " Got any rivers they say are uncrossable ?
> Got any mountains you cannot tunnel through ?
> *We specialise on the wholly impossible,*
> Doing things that no man can do."

We want the Committee to be composed of representatives of the people who inspire confidence in the people, and of experts. That is why I have framed my amendment in that way. I want two-thirds of that central committee of inquiry to be composed of accredited representatives, and we shall associate with that committee other men who are experts in this department.

The Honourable Mr. A. C. Chatterjee : Such as ?

Mr. T. C. Goswami : I shall suggest the names when you accept my recommendation.

I would suggest the following mode of inquiry. I would like to have a central committee ; and that is the committee which I suggest in my Resolution,—a central committee to settle the plan of inquiry and to set up provincial and local committees to harness all local organisations to secure information. I do not think that the Honourable Mr. Lalubhai Samaldas's estimate of 20 years is anything like correct.

The Honourable Mr. A. C. Chatterjee : More like 50 years ?

Mr. T. C. Goswami : We want an inquiry into the present system of taxation ; in fact a system of taxation has yet to be created in India. There is no such thing as a " system " of taxation in India, and that is not created by a trip to Switzerland, even with letters of introduction from the Honourable Sir Basil Blackett ; but by studying the economic condition of the country in the country.

I notice that recently in America they are uneasy about their system of taxation. I find in the Proceedings of the Academy of Political Science a paper recently read by an eminent Professor, Mr. Thomas S. Adams, on this subject. He says that the Senate has suddenly awakened to the fact that all is not well with the Bureau of Internal Revenue. He further says, the Bureau of Internal Revenue is staggering and stumbling under the burden of income-tax largely because it is loaded and inexpertly distributed.

I do not deny—on the contrary, I very strongly affirm—that there is need for an inquiry into the methods of taxation. I do not want to call it a system of taxation because it is not a system of taxation ; but before you can have a real inquiry, as the Honourable Mr. Patel has very rightly pointed out—in order that you may have a real inquiry into taxation—you must have an economic inquiry. I know that it is a laborious process, very laborious indeed ; and that is a thing which I acknowledge. Not only that, I say the labours involved are very unlike the labours of other Commissions which we have experienced. The labours involved would be very much greater than, for instance, the labours involved in the Lee Commission, and it will engage, if the inquiry is going to be real, some of the best men of our country for months—probably for two years. I noticed

in the newspapers a report of a speech by the Honourable Sir Basil Blackett on this unfortunate Committee, in which he is reported to have said that he wanted to utilise the results of the Taxation Committee during his term of office. Well, I admire Sir Basil Blackett's solicitude for improving the country, but I venture to think that even if the results of the inquiry which I propose and which I think most of the Honourable Members of this House agree in proposing, do not come during the term of office of Sir Basil Blackett, it will not be such a great calamity for India.

Sir, pointed reference has been made in this House to the poverty in India, but recently we had Sir Alfred Mond's illuminating speech—in a London club was it ?—about the wealth of India. Millions of pounds of jewellery used to be strewn on the tables of the Indian friends of Sir Alfred Mond. Well, Sir, I have known the Honourable Sir Basil Blackett in the past to have relied for his history and economics on such travellers' tales as the Memoirs of Bernier and the Memoirs of Tavernier. I do not know if he will base his further economic policy on the " traveller's tales " of Sir Alfred Mond. As for myself :

> " I shall not want capital in Heaven
> For I shall meet Sir Alfred Mond,
> And we shall both lie together, lapt
> In a Five per cent. Exchequer Bond."

Sir, about poverty I should like to quote, though the time is very short, I should like to quote a passage from Mr. Gokhale's speech delivered in 1902 ; and though the time is short I think it will bear repetition. In that speech, delivered nearly a quarter of a century ago, from his place in the Imperial Council he emphasised the need for such an inquiry as I have proposed, and he says that such evidence as was available to him :

" I venture to say, points unmistakeably to the fact that the mass of our people are not only not progressing but are actually receding in the matter of material prosperity. I have here certain tables compiled from official publications relating to (1) census returns, (2) vital statistics, (3) salt consumption, (4) the agricultural outturn of the last 16 years, (5) cropped area in British India, (6) area under superior crops, and (7) exports and imports of certain commodities ; and they establish the following propositions :

(1) That the growth of population in the last decade has been much less than it should have been and that in some Provinces there has been an actual decline in the population.

(2) That the death-rate per mille has been steadily rising since 1884 which points to a steadily increasing number of people being underfed.

(3) That the consumption of salt which already in this country is below the standard required for healthy existence has not kept pace even with the meagre growth of population.

(4) That the last decade has been a period of severe agricultural depression all over India.

(5) That the net cropped area is diminishing in the older Provinces and that the area under superior crops is showing a regrettable diminution.

(6) That the export and import figures tell the same tale, namely, that the cultivation of superior crops is diminishing and cattle are perishing in large numbers."

Well, I shall quote also official testimony. Sir Narasimha Sarma, in the Council of State, said :

" I am not going to disguise from this House my anxiety, as the Revenue Member, with regard to the food position and the distressing poverty prevailing among certain classes of the people. After all, at the present moment we have only a little over an acre of cultivated land per head of population."

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Then, Sir, I will take the liberty of quoting Sir Basil Blackett himself on the subject. I believe this quotation has already been made by Mr. Rama Aiyangar. He said :

> "The existing poverty of a large number of the people is obviously also very great and no Government can with equanimity look on and not wish that they could do something to improve it."

My complaint, Sir, is that Government are still looking on and I am afraid that Government as they are constituted will continue to look on without being able to do anything for the amelioration of poverty.

Mr. President : I would ask the Honourable Member now to bring his remarks to a close.

Mr. T. C. Goswami : Sir, by a curious oriental paradox, a retrenchment committee was succeeded by an extravagance committee. Money must be found, as Mr. Patel said, for the Superior Services, for making the lives of European officials a little more than comfortable, for laying out inducements for fresh shipments of embodied prestige, to secure that what is lost in prestige (as a result of political movements) is at least made up in perquisites. But while these men can always form trade unions—and I understand my Honourable friend, Mr. Chatterjee is bringing in a Trades Union Bill very soon—and can go on strike in protest against their starvation wages, or perhaps join Mr. Willson's firm where wages are paid running up to six figures, as he told us, it is hardly possible to ask the whole of the Indian population to go on strike or secure a remedy by seeking employment in my Honourable friend, Mr. Willson's firm. A future poet, perhaps it may be an English poet, will sing of the present constitution as "broadening down from hypocrisy to bankruptcy." The Lee Commission agitation has somewhat contradicted the late tall talk about the selfless zeal of English officials who come out to India at great sacrifice, to do good to the people of India.

Sir, my time is short and I shall not detain you any longer. But I repeat the proposition which has been challenged by Sir Basil Blackett on the authority of perjured history,—that impoverishment in India, if not a direct result of British rule, is a standing disgrace to this administration ; and I affirm this proposition solemnly—because I too have studied history as best as I have been able to—that the greatest indictment against British rule in India is not so much political—because for our political disabilities I am prepared to accept for my countrymen 75 per cent. of the blame—but I say the chief indictment against British rule in India is economic. Well, Sir, I shall not delay your luncheon ; and with these few words I move my amendment.

The Assembly then adjourned for Lunch till a Quarter to Three of the Clock.

The Assembly re-assembled after Lunch at a Quarter to Three of the Clock, Mr. President in the Chair.

Mr. Chaman Lall (West Punjab : Non-Muhammadan) : Sir, I am sorry, Sir Basil Blackett is not here to listen to certain quotations that I have specially hunted up for his delectation.

Haji Wajihuddin : May I rise to a point of order, Sir. There is no quorum.

Mr. President : Attention has been drawn to the fact that there is no quorum. Mr. Secretary will ring the bell.

A quorum is now present. The Honourable Member may proceed.

Mr. Chaman Lall : Sir, I started by regretting the fact that Sir Basil Blackett is not here. I am glad to find him back in his seat. The Resolution that has been moved before the House deals with three very important matters. One is that the Assembly desires to have complete control over the personnel of the Taxation Committee. The second is that the Assembly desires to go into the economic aspects of India's exploitation. And the third is that we desire that the system of taxation should not be merely a method as Mr. Goswami pointed out but an actual scientific system ; such as in fact you will find prevailing in certain civilised countries of the world. The main argument that Sir Basil Blackett levelled against this Resolution was that there is no ground whatsoever for considering that India has really been impoverished by British rule. He stated that statements of this nature—that India has been persistently and consistently impoverished by British rule—are ridiculous statements ; that there is no warrant for such statements. Let me remind Sir Basil Blackett that not only Indian economists but economists of world-wide repute have laid it down that India has been consistently impoverished by British exploitation of this country. I call the attention of the Honourable Member to a statement by a certain gentleman of the name of Rev. William Tennant, who said : (*The Honourable Mr. A. C. Chatterjee* : " Never heard of him.") Mr. Chatterjee says he has never heard of him, I pity his ignorance. (*The Honourable Sir Basil Blackett* : " How many other Members of the House have heard of him ? ") (*The Honourable Mr. A. C. Chatterjee* : " Did you ever hear of him before ? ") If the Honourable Member has any pretensions to call himself an economist, I daresay he has heard of a book called " Progress and Poverty " by Henry George. It is an elementary book which, I believe, is taught in elementary schools in which the quotation I am about to give is to be found.

The Honourable Mr. A. C. Chatterjee : It is out of date.

Mr. Chaman Lall : I am very sorry he has been to a British University and has never heard of that book.

The Honourable Mr. A. C. Chatterjee : It is 40 years out of date.

Mr. Chaman Lall : We have heard from the Honourable Member the latest figures about the present economic situation of India, and I am sorry to say he is 500 years out of date.

Sir, this is what the Rev. William Tennant says :

" When we reflect upon the great fertility of Hindostan, it is amazing to consider the frequency of famine. It is evidently not owing to any sterility of soil or climate ; the evil must be traced to some political cause."

This is what Lord Macaulay said in his essay on Lord Clive regarding the incidence of British rule in India :

" Enormous fortunes were rapidly accumulated at Calcutta, while millions of human beings were reduced to the extremity of wretchedness. They had been accustomed to live under tyranny, but never under tyranny like this. They found the little finger of the Company thicker than the loins of Surajah Dowlah. It resembled the

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government of evil genii, rather than the government of human tyrants. Sometimes they submitted in patient misery some times they fled from the white man as their fathers had been used to fly from the Mahratta, and the palanquin of the English traveller was often carried through silent villages and towns that the report of his approach had made desolate."

Here is a statement with regard to the present situation :

"To all that vast population the strong hand of England has given a more than Roman peace ; the just principles of English law have been extended by an elaborate system of codes and law officers designed to secure to the humblest of these abject peoples the rights of Anglo-Saxon freemen ; the whole peninsula has been intersected by railways, and great irrigation works have been constructed. Yet, with increasing frequency, famine has succeeded famine, raging with greater intensity over wider areas."

"The millions of India have bowed their necks beneath the yokes of many conquerors, but worst of all is the steady, grinding weight of English domination—a weight which is literally crushing millions out of existence, and, as shown by English writers, is inevitably tending to a most frightful and widespread catastrophe."

I daresay the Honourable Mr. Chatterjee has heard of Florence Nightingale. I think his history will go as far as that. This is what Florence Nightingale said :

"We do not care for the people of India. The saddest sight to be seen in the East—nay probably in the world—is the peasant of our Eastern Empire."

And if the question is put, how this is relevant to the question in issue, I will reply in the words of Florence Nightingale herself, where she goes on to show the causes of the terrible famines, in taxation which takes from the cultivators the very means of cultivation, and the actual slavery to which the raiyats are reduced as the consequences of British rule.

May I, with your permission, Sir, give one more quotation, a recent one, not 40 years out of date. This is from Mr. H. M. Hyndman, the great socialist. What does he say ? He says :

"The famines which have been devastating India are in the main financial famines. Men and women cannot get food, because they cannot save the money to buy it. Yet we are driven, so we say, to tax these people more."

Again, Mr. Hyndman says :

"The truth is that Indian society as a whole has been frightfully impoverished under our rule, and that the process is now going on at an exceedingly rapid rate."

I hope these quotations, Sir, are quite sufficient to convince the Honourable Sir Basil Blackett as well as the Honourable Mr. Chatterjee of the fact alluded to by us in India time and again, of which there has been no contradiction as far as I have seen except the vague sort of contradiction of the kind that Sir Basil Blackett has indulged in, namely, that India is becoming poorer and poorer day by day as a result of British exploitation of this country. What is it that we demand ? We demand, because we know perfectly well that millions of our countrymen cannot get even a single decent meal a day—we demand that an inquiry should be instituted into the system of taxation, into the economic wrongs that are done to the people of India, into the famines that exist, into the methods that you adopt to extort and extract money from the people of India. It is not an illegitimate demand, it is not an unjust demand. It is a demand which we, the representatives of the people of India, are quite capable of making, and are justly making in this Assembly. To deny us that demand, and to go over our heads and appoint a Taxation Committee, three of whose members are unknown to us in this country, to the people of this country,—we do not know whether we can trust them or not, these gentlemen who are

sitting in England,—and the other three whom you want to co-opt here in India, and whom you send on a roving Commission to England to discuss the financial and economic condition of this country—nothing could be more absurd than this that these gentlemen whom you appoint as members of the Taxation Committee should leave the shores of India and go to Whitehall to discuss the economic situation of the country. Let them come out to India. Let the representatives be the true representatives of this country whom we can trust. Let them be appointed here in India. Let them go into the villages. Let them go to the famine districts and examine the condition of the people. That is our demand. The Honourable Mr. Chatterjee wants probably some more recent figures and facts. He will find them in official records which perhaps he has never had time to read himself. If he reads the book issued by the Government of India known as " Prices and Wages, " he will find some astounding facts indeed which will convince him that India is really an impoverished country, that India is a famine-stricken country, and that under British rule she has gone on in misery, poverty and desolation. Here is a miner's wage in 1897. In 1897 .54 per ton was the wage of a miner. In 1922 it was .76 per ton. A very handsome increase in 25 years ! You ask us to give you more money for your Services which are better paid than probably any other service in the world, even after you had given the men an increase in 1920. Yet here is a miner, a man who produces the wealth of this country, here is a miner getting .54 per ton in 1897 and .76 in 1922.

The Honourable Mr. A. C. Chatterjee : .54 of what ?

Mr. Chaman Lall : .54 of a rupee, Sir. The Honourable the Finance Member is sitting next to him and he can ask that question of the Finance Member. Is this evidence of the increasing prosperity of India ? It is not. It is evidence of the utter bankruptcy of British rule in India. Let me take another example of what is known as an intermediate in a cotton mill. What was he getting in 1908 ? 16 rupees per month. What did he get in 1922 ? 18 rupees a month. Take a spare hand. He was getting in 1897 10 rupees. In 1922 he got 14 rupees per month. A spare hand got 12 rupees in 1897 and in 1922 he got just a little over 13 rupees per month. A wonderful display of prosperity in this country ! This country, Sir, is a very patient country. It is a country of patient fools and virtuous saints. If it were not a country of patient fools, British rule in India would have been an impossibility long before us. It is our great ambition to see that this country stands upon its own legs. You cannot do so unless and until you know really what the economic condition of the country is, and we are merely asking you to yield to the request that we are making as the representatives of the people, to give us a true, a proper, a just inquiry into the economic condition of the people of India. We do not want any trickery or any roguery in this. We want to be straightforward about this matter. We want to tell the world the truth about India. We want to tell the world the truth, the black truth about British rule in India, and it is for that reason that we demand this impartial, this representative inquiry. Sir, there is no doubt about it that there are various systems of taxation which have been tried in India, but there is one system of taxation which has not yet been tried, and it is because we want to investigate all the avenues of approach to that question that we want this representative inquiry,—I mean the taxation of land values. We have got in India landholders who are getting rich on the fat of the land. We have on the other hand poverty-stricken masses who are ground

[Mr. Chaman Lall.]

down by poverty. We do desire that the wealth of this country should be distributed in an equal fashion. We desire that this poverty should be eradicated from our soil. As has been said you may tax manufacturers, but the inevitable result will be that you will check manufactures. You may tax improvements, but the result will be you will lessen improvements. You may tax commerce with the result that you will prevent exchange. But if you tax land and if you investigate all the avenues of approach to this question, you will increase the prosperity of the country and you will turn the poverty-stricken masses into self-reliant, free human beings, not merely slaves as they are at the present moment.

Sir, it is a common saying that a great wrong always dies hard. But the great wrong that is being done to the people of India, the great wrong that is grinding us, the desperate poverty that is sending millions of human beings to their premature grave, unless you do something to remedy that wrong, unless you do something to do away with the present system of economic exploitation of this country, it can result in nothing else but a very bitter and a very dangerous struggle of which there is no knowing what will be the end.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) : I had not intended to take part in this debate, for the very simple reason that my Chamber have already communicated their views to the Government of India regarding this Taxation Committee and I felt that I had hardly anything useful to add to this debate by any further remarks. But when I heard my Honourable friend the Finance Member at least for once quoting me with approval in spite of the allegations about my being spoilt with political colour about which the Chief Commissioner of Railways yesterday said such a lot to this House, I felt that it is an occasion when I must tell the House the whole story and not rest content with the House knowing only portions of my speech in the other place as quoted by the Finance Member. Sir Basil did me the honour of quoting a portion of what I said in the Council of State. I will complete that with what I ended my speech with and I hope that will still retain to me his approval of the views that I there expressed. I ended in the Council of State with this as the last paragraph. I said :

"I feel, Sir, that the day is still distant when this Council can give any support under any guise to the most fascinating proposition, to anything that will lead to or even smell of new taxation. We want retrenchment, we want a balancing of the budget with the present taxation, not any increase in it and until that is achieved, until there are surpluses, until indeed there is more contentment amongst those who are taxed, I do not think that this House can seriously consider any suggestion made with the best of motives in connection with taxation. For, the apprehension may be this, that there may be new avenues of taxation found and suggested recommended and perhaps accepted by the Government be it against the strongest opposition of these two Houses. What the Honourable Mover seeks is a readjustment of the whole thing but there may be thin years and there may be fat years. In the case of a thin year what may happen is that the new avenues of taxation may come and the readjustment may be put off for a better day, and in the case of Government treasuries all over the world, with all deference to the benches opposite, the readjustment when it is a question of giving on the part of Government, is long in coming."

Sir, that was my conclusion on the Resolution moved in the other place by the Honourable Sir Maneckji Dadabhoy.

Now, this inquiry which is the subject matter of the discussion here is an inquiry for finding out better modes, and certainly further modes of taxation. There is no doubt about that. I have not heard anything, nor do I find anything in the terms of reference, which makes it compulsory on the Committee that the Government have nominated, to find out what it is that the people of India can stand. We have heard extreme views in this House regarding the prosperity or the misery of the masses of India. I do not wish to add one word more to these two extreme views that have been heard to-day, but this at least is clear from what has been expressed with so much force, with so much feeling, and if you like it with so much resentment by one side or the other, that we cannot go on very long without this House being in a position to know exactly what is the taxable capacity of the people of India and up to what point they could be taxed. I happen to be one of the deputation—now known as the commercial deputation urging retrenchment, which waited upon His Excellency. I then said that my electorate felt and that the Indian commercial community very strongly felt that the taxable capacity of the people of India had not only been then reached but had been exceeded. My esteemed colleague Sir Campbell Rhodes who led that deputation differed from me. Can we go on very long without having the inquiry of which is pressed on Government by my Honourable friend Mr. Goswami in his Resolution, and irrespective of the nature and the terms of reference to the Committee that has been already appointed. There is every reason to believe that this House sooner or later will insist upon having, and will not rest until it has had, a full inquiry into the taxable capacity of the people by persons who enjoy the approval of this House.

Mr. H. Calvert (Punjab : Nominated Official) : Sir, I propose to confine myself to that part of the amendment which relates to a proposal to have a thorough inquiry into the economic conditions of the people of India, their income per head and the general resources of the country. That amendment, Sir, is really in three parts. It asks first, for a general inquiry ; secondly it asks for an inquiry by the Government of India ; and thirdly, it says that the agency should be a committee including Members of this Assembly. Now, Sir, I am entirely in favour of an inquiry into economic conditions. I have myself been engaged in carrying on such inquiries for many years past, and a good many of my colleagues are also trying to throw some light on the general economic conditions of this country. But, Sir, with all due respect to the Government of India, I beg to say that I do not think that they are the proper agency for carrying on such an inquiry ; and, if Honourable Members will kindly excuse me, I should like to say that this Assembly is not the proper body to select the members of any committee for this inquiry. It seems to me, Sir, that this is very largely a matter for Provincial Governments. If an All-India inquiry is desired then the obvious body is the Indian Economic Association. It is rather curious that, although so many Members of this Assembly are prepared to speak on economic questions, there are very few of them, indeed, who are members of the Indian Economic Association. Now, Sir, my objection to an inquiry by a committee is that, as has been already said, it would take at least 20 years to arrive at results which would carry weight outside this country. Actually, in the Punjab, we have set up a Standing Board of Economic Inquiry divided into a rural and an urban section ; and this Board has been

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at work for about two or three years and is slowly producing results. Our policy there is to appoint investigators who are solely engaged upon collecting facts. We leave the readers of those reports to draw the deductions from them.

Now, Sir, in a general inquiry there would be three prominent dangers. There is the danger that the inquiry might be confined to too small a scope. India is such a vast country that any committee that set out to make a general inquiry might attempt to confine itself to too small a scope, and its deductions from the particular to the general would be vitiated by the fact that the premises were insufficient. Then, Sir, there is the obvious fallacy which appears in this amendment, the "average" income per head. There is a third fallacy which creeps into all these discussions, namely, we should try and inquire into the conditions of a typical tract or a typical village. Let me, Sir, illustrate what I mean by the danger of confining the inquiry to too small a scope. Our Standing Board of Economic Inquiry has practically brought to a conclusion an inquiry into mortgages of agricultural land. We took an assessment circle of 35 villages and have carefully gone through nearly 5,000 mortgages. The result of that examination is to bring out certain very definite, very clear conclusions. In so far as that area is concerned, those conclusions are irrefutable. But like every one else, I would hesitate to say that conclusions drawn from a detailed inquiry into 5,000 mortgages in one part of the Punjab would have any application, say, to conditions in other parts of the Punjab or Madras or Assam. Then, Sir, there is this danger about the "average" income per head. It is no comfort, for instance, to those friends of Mr. Patel, who, he says, have one meal a day, if we reply that the average number of meals in India is one and three quarters. An average applied to anything concerning human affairs is apt to be very misleading indeed. I shall give you, again, an illustration from an inquiry which I myself have just brought to a conclusion into the size and distribution of agricultural holdings,— the average agricultural holding in the Punjab is 8 acres. But when you examine the holdings by classes, you find that only 18 per cent. of the holdings fall into class 5—10 acres, while about 58 per cent. fall below that; and if we try to arrive at any estimate of average income per head, we should find that the vast majority of the people of India came below that estimate, and it would be perfectly valueless. We are actually trying detailed inquiries into what we try to think are typical tracts, and I hope very soon to be able to publish an estimate of the average income per head of a certain definite tract. That average income per head, although it may possess all the fallacies attaching to such averages, will be perfectly useless for any other part of India except the particular tract to which it applies. Now, Sir, Mr. Goswami would like us to arrive at an estimate of the average income per head, but he very carefully avoided explaining what he meant by "income". There is of course published in England a statement which enables you to deduce a figure for average income per head in Great Britain. That estimate is based on income-tax returns. But in England the number of assessees is something like 2¼ millions, probably covering 10 million of the population, and the average income per head which is published occasionally is based on the incomes of those 2¼ million people, the incomes of the remaining 35 million people, which are below the income-tax

limit, being merely guessed at. Where you have a very large number of assessees, it is possible to make a mathematical calculation of the average income per head. Where as in India, you have a population mainly agricultural, with less than three lakhs of people declaring their income, it is practically impossible to arrive at any estimate whatever. Sir, the estimate which is given about income, and which one Honourable Member quoted, is only the money income ; it entirely ignores other sources of income which are not declared in the income-tax return. Now, Sir, if we take a simpler thing than the average income per head of the people of India, namely, the average production per person employed in any industry, then we can arrive at some useful figures. We can say, for instance, that the average gross production of persons employed in the Bombay cotton mills is a little over 1,100 rupees ; that is the gross production. The net production could easily be found out. We can say that the average gross production of miners employed in Indian coal mines is 415 rupees a year. We can say that the average gross earnings of railway employees is about 1,118 rupees per person employed. These figures, Sir, are useful, inasmuch as they explain why the nett income is so small. If the value of production per person employed is Rs. 415 per year, it is clear that the income of these miners must remain small, and similarly if the average gross production of all persons employed in cotton mills in India is Rs. 916 per head, then it is again clear that the real reason of the low income in India is the low standard of production. Now, Sir, it is quite easy to arrive at the average income per person employed in any particular and definite sphere. I can give the average income for the money-lenders of the Punjab. You can give an average income of the workers employed in the Bombay cotton mills. But that again would not give us the average income per head. For we have no knowledge of the dependents or of the number of idlers and beggars ; and these we must take into consideration ; all of whom bring down the average.

Now, Sir, there is one more objection to any attempt to arrive at any figure of the money income in this country, and it is that we have no means whatever of finding out the value of the work done by women. In a country like England, where women earn wages, it is possible to arrive at a rough estimate of women's work. In a country like India where wage-earning is almost entirely confined to men, it is perfectly impossible to take into consideration the work done by the women, household work, domestic duties, work in the fields, etc. We are trying in the Punjab to arrive at the average wages of labourers in rural areas expressed in money value. But supplementals are difficult to value, such as the value of free grazing, free site, free food, and other little amenities which come in in the life of a villager. We know perfectly well that we shall never arrive at any figure which is very correct, because you cannot put an accurate money estimate on things like that which are never priced in open market. Although I very strongly think the prosecution of further economic inquiry is essential, I do urge this House to leave the Government of India alone and impress on their Provincial Governments that they ought to do something on the lines we are doing in the Punjab, by setting up some competent men to form a non-official body—which will employ investigators and carry on these inquiries steadily from year to year, not merely have an *ad hoc* inquiry which is to sit for 20 years and then come to an end. After all, India is as large as Europe without Russia, and ever since the days of Adam Smith, there have

[Mr. H. Calvert.]

been in Europe a very large number of inquiries into economic conditions. And yet, Sir, as we all know, on an issue like protection, for instance, there is still very wide difference of opinion ; and if you come to the question of how best we could improve agriculture, you will find that practically no two economists will agree, even though inquiries have been going on there in thousands of places. So, Sir, I would request this House to reject that part of the amendment which calls for an economic inquiry by the Government of India, and I would ask Members to refer it to Provincial Governments and ask them for a permanent board of official and non-official members who should carry on the inquiry which we all desire.

Sir P. S. Sivaswamy Aiyer (Madras : Nominated Non-Official) : Sir, I wish to support this demand for an inquiry into the economic condition with a very few words. I do not altogether for the reasons which have been advanced by my friends here, but for reasons of my own. I am not wedded to any particular theory with regard to the ratio of taxation, nor have I any particular thesis to prove. It has been stated that the people have been taxed beyond their capacity. I do not wish to commit myself to any general statement of that sort. It has been said that India is getting poorer and poorer. I do not wish to subscribe to that belief. There have been several statements put forward from the platform, by the newspapers and by politicians at different times that India is getting poorer, that 40 millions of people are living on one meal a day or that the average income per head is Rs. 30 or Rs. 60 or Rs. 70. I do not wish to commit myself to anyone of these statements. General statements of this description are extremely fallacious. Unless and until we have a scientific inquiry into this subject of the economic condition of the people, it seems to me to be hazardous to indulge in general propositions of that sort. Nor do I believe that any conclusion as to the average annual income of the people in this country will furnish any reliable basis for taxation. It reminds me rather of the story of the man who, after ascertaining the average depth of a stream, attempted to ford it in the deepest part. These averages are most often misleading. They may be of use perhaps for some purposes, as for instance when you compare the average income with the average taxation. But for the practical purposes of the Legislature and of the authorities who have to impose taxation, what is required is not so much the question of average income as the income of particular classes. That is an inquiry which is beset, I know, with great difficulties and is one of great complexity. It is an inquiry which cannot possibly be satisfactorily concluded within a period of at least four or five years, to make a most cautious estimate. But all the same, in spite of the fact that the inquiry will have to be a prolonged one, I think it is an inquiry from which the Government ought not to shrink. I have no doubt that the Government will come out of the inquiry with credit. Poor as the country is and making allowance for all the ignorance, poverty and ill-health to which my friend Mr. Patel referred, I, for one, do not believe that we are getting poorer or that we are getting more ignorant or that there is more ill-health now than it was before. There is absolutely no ground for any apprehension on the part of the Government that the results of the inquiry will in any way be damaging to their reputation. The Government have been challenged so often to make such an inquiry, and its results will be so valuable and instructive as regards the general

condition of the people, that they ought not to lose any time in undertaking such an inquiry. Whether this inquiry should be entrusted to this particular Taxation Committee or should be started independently is another matter. With regard to the conduct of this inquiry, my own idea is that it requires investigation along many different lines. It requires the investigation of numerous subjects, as, for instance, prices, wages, rents, interest, trade indebtedness, industries, manufactures, agricultural holdings and methods, mobility of labour, standards of living, housing, clothing, and a number of other factors. The proper course would be to get together a body of experts, for instance, like the Economic Conference, and ask them to suggest the various lines along which information and statistics have to be collected, and give instructions to the Local Governments and to the various authorities to collect the required statistics and information along these various lines for a period of three or four years. When these results have been collected, then appoint a committee to go into the statistics and information, examine the relative weight of the different factors and come to definite conclusions. That in my opinion would be the proper course to pursue, not to ask this particular Taxation Committee or some other Committee to sit together and come to some definite conclusions on the spot. The statistics are not available, and the data have not been collected. In the interests of Government themselves they ought to take up this challenge which has been thrown down so often and so repeatedly and give the quietus to so many of the current fallacies.

Then with regard to this taxation inquiry I just wish to make a few remarks. At first sight I was rather inclined to look askance at this inquiry, and for this reason. Everybody knows that the sources of our public revenue are few and that they are inelastic. It may be urged then that this suggests the necessity for an inquiry into any further avenues of taxation which may be possible. But I am not very sanguine as to the results. I know that one avenue of taxation perhaps which has already been suggested to the Honourable Finance Member is the subject of death duties. I have no doubt that he is casting wistful eyes upon that source of revenue ; but I know of none which would be more unpopular. Apart from that particular source of revenue, what I wish to point out is that at present, so long as Government remains irresponsible to the people, I have no inclination to place further revenues at the disposal of Government to swell the military expenditure or to allow them to be absorbed by further payments to the numerous Services, not merely Imperial but subordinate. They are always asking for more, and from the Imperial services the demand will spread to the Provincial and subordinate services and from the civil to the military. The more revenue you raise, the more liable it is to be swallowed up in payment to these Services. This was the reason of my reluctance to put more money into the hands of an irresponsible Government. On the other hand, the question of Provincial contributions has to be settled in the interests of the administration of India as a whole, and the fact that it cannot be solved unless you examine the system of taxation and the possibility of re-adjusting sources of taxation between the Imperial Government and the Provincial Governments have made me change my attitude somewhat. While I am not therefore in favour of suspending the inquiry by this Committee I think the Government ought to make up their minds to start the other inquiry into the economic condition of the people—an inquiry to be conducted on as scientific lines as possible and in a perfectly disinterested and detached

[Sir P. S. Sivaswamy Aiyer.]

spirit, so that we may arrive at correct conclusions with regard to the material progress of the people The results of such an inquiry cannot fail to be of great value.

Sir, with regard to the desire to place taxation on a more scientific and equitable basis, I do not believe that the wit of man has ever yet succeeded in devising a thoroughly scientific, equitable and popular system of taxation. I do not think there is much that is wrong with the existing system of taxation, and I am pretty certain that any system of taxation you can devise will be equally unpopular and unacceptable. I am sure that among those who advocate this reform of taxation on a scientific and equitable basis a large majority hope that their burdens may be shifted on to their neighbour's shoulders, and that there are some who believe in a millenium when it will be possible to carry on a complex and civilized system of administration with a light or no taxation. I am afraid I cannot bring myself to entertain any of these opinions. But we are face to face with an urgent problem in regard to this question of Provincial contributions, and that is why I have reluctantly made up my mind not to oppose the inquiry into the present system of taxation, but to urge at the same time an inquiry into the economic circumstances of the country.

Mr. H. G. Cocke (Bombay : European) : Sir, I quite agree with the Honourable Member who has just sat down that if any inquiry is to be conducted at all into the question of the economic situation in India, it should be done, not by this Committee but by some other authority. Mr. Calvert has suggested that it would be far better done by Local Governments and local authorities, and I think that will prove to be the case undoubtedly. But the collection of statistics for a period of 3 or 5 years, as has been suggested, might be an exceedingly valuable preliminary to any definite inquiry whether undertaken by a Local Government or by a Committee appointed by the Government of India.

A considerable amount has been said to-day on the subject of averages, and I think the fallacy underlying many of the averages which have been suggested has been exposed by Mr. Calvert. One need only refer to the case of mill hands, where we will say the average income of a certain set of mill hands is Rs. 500 per annum, and compare their average income with that of an equivalent number of agricultural hands 10 miles away who live on their land with their own livestock. Any average income per head per annum arrived at from such essentially different kinds of labour would obviously produce a result which would be of very little benefit to anybody. The suggestion to suspend this Taxation Committee which has been appointed, purely because it does not deal with quite another matter, seems to be an absurd one, and I trust that part of the suggestion may be withdrawn. The powers of this Committee which has been appointed have been brought into question as well as the personnel of the Committee ; but I think Sir Basil Blackett has made it perfectly clear that the powers which this Committee have are ample for the purpose in view ; and as regards the personnel I do not think it does any good in this House to pick holes in the people who have been selected for this work. It is exceedingly difficult to get men who are really competent to undertake an inquiry of this sort ; and the suggestion in the amendment that, of the Committee which it is proposed should take the place of the Taxation Com-

mittee, two-thirds of that Committee should be appointed by this Assembly seems to me a very foolish one. You have got to consider carefully who are the most competent people and I do not think this Assembly is the right tribunal to select experts of this sort. A suggestion was made in the Steel debate that this Assembly might appoint some of its number to go into the question as to the enhancement of the duties when that became necessary owing to a fall in exchange or rise in exchange or any other cause necessitating an alteration of the tariff that was fixed, and it was pointed that that was essentially a matter for an expert committee such as the Tariff Board ; and in this case it is still more necessary I think to have an absolutely expert committee, which this Assembly could hardly be competent to select. When we hear in this House of the great poorness of this country, the miserable lot of the agriculturist and so on, and we are told that the British have done nothing to improve these conditions, one cannot help looking round the country and remembering the railways, ports, irrigation works and mills, which have obviously been a source of very great employment and profit to the community. I have considerable sympathy with the Finance Member ; on the one hand he is told that he is overtaxing the people, and on the other hand he is told that he does not raise sufficient money for the purposes of educating them. I have no great objection to the amendment as it stands, except to the first and last portion of it ; but I do not think all the same that this proposed Central Committee is the best way of getting the result which is desired.

Sardar Gulab Singh (West Punjab : Sikh) : Sir, I rise to accord my wholehearted support to the amended Resolution of my Honourable friend, Mr. Goswami. I am sorry that he has left out one most important point, namely, of investigating into the defects of the land revenue assessment. What I ask, Sir, is that the Committee of Economic Inquiry which is proposed to be established by the amended Resolution should, among other things, also investigate into the defects of the prevailing system of land revenue assessment. I understand, Sir, that the fundamental principle of the amended Resolution is that before the future policy of taxation is determined, a thorough inquiry should be made into the economic conditions of the country and no economic inquiry can, I submit, be complete which does not take special cognisance of the grave defects in the present system of land assessment in the country. Without their knowledge no financial policy can be satisfactorily determined.

I am sure it is too late in the day for me to endeavour to prove the obvious fact that our system of land revenue assessment is antiquated, primitive and defective and therefore deserves to be thrown into the scrap heap. It has been condemned since its inception by every sound statesman and thoughtful economist as one that cannot honestly be defended on any sound principles of scientific taxation. Sir William Digby and Sir Romesh Chandra Dutta who may be considered to have made not a mean study of economic conditions in India went to the length of asserting that the ever-recurring famines, the galling poverty of the people, and the ever-prevailing pestilences in great parts of the country, were all due to a great extent to the unsound methods of land revenue assessment prevailing in India. This may be an extreme view, but there is no ignoring the fact that the modern system is defective to the core. We who belong to rural areas, Sir, are very keen on this point, because it is impossible to fully

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explain the profound agrarian discontent which the continuance of this antiquated system of taxation is causing.

Adam Smith, the founder of modern finance, laid down four universally accepted canons of sound taxation, and I submit, Sir, not one of them remains unviolated if applied to our system. Ability, certainty, convenience, and economy, he considered the essential requisites of good taxation. And none of them, I submit, is seriously regarded by our administrators, whose sole guiding standard is profit.

The land revenue assessment system ignores the "ability to pay" of the subject. While in the case of the income-tax, abatement is allowed to incomes below Rs. 2,000, the poor debt-burdened farmer is forced to part with one half of his net profits even though they may be a mere fraction of the above amount. And yet the one who is so mercilessly ignored is, in season and out of season, trumpeted as the special ward of the bureaucracy. He that is ground like an oil-seed for profit is cleverly exploited on suitable occasions to justify political coercion. It is sometimes argued that the incidence of the tax is shifted from the cultivator to the urban population, and therefore the tax cannot be considered a burden on the tax-payer. C. F. Bastable who is an undoubted authority on modern finance, however, holds a very different view. Writing on the system of land revenue assessment prevalent in India, he remarks :

"As the system has been generally applied to societies in the customary stage, the pressure came on the cultivator, who is at once the producer and the chief consumer of the commodities."

No wonder the deep indebtedness of the cultivator has become a problem of baffling magnitude.

Secondly, except where there is a system of permanent settlement already in vogue, the assessments lack the element of certainty. In Northern India, particularly, fluctuations are unexpected and dangerous. Rates are increased exorbitantly by a single stroke of the executive pen. Recently 75 lakhs of rupees were levied as water-rate on the poor farmers in the Punjab by the Government of Sir Edward Maclagan on the eve of his departure without even the consultation of those who were expected most to suffer or their representatives in Council. The assessment remains uncertain in spite of the considered and definite opinions of His Majesty's Ministers and responsible administrators, expressed to the contrary times out of number.

In his despatch of 1862 (July 9th) Sir Charles Wood clearly stated that it was the opinion of Her Majesty's Government that :

"A settlement in perpetuity in all districts in which conditions absolutely required as a preliminary to such measure, or may hereafter be fulfilled, is a measure dictated by sound policy, and calculated to develop the resources of the country."

Again, Sir John Lawrence in his minute of July 5th, 1863, wrote :

"I recommend a permanent settlement because I am persuaded to believe that however much the country has of late years improved, its resources will be still more rapidly developed by the limitation of the Government demand."

Even as late as 1919 this grave defect was brought home to the members of the Joint Committee on Reforms, whose remarks deserve to be

quoted, although their advice in this respect seems to have been deliberately ignored.

"They consider,"—*says the report,*—"that the imposition of new burdens should be gradually brought more within the purview of the Legislature. And in particular .....they advise that the process of revising the land revenue assessments ought to be brought under closer regulation by Statute as soon as possible....."

Again they remark :

"The Committee are of opinion that the time has come to embody in the law the main principles by which the land revenue is determined."

Much water has flown since this clear advice was given, but the system of land revenue assessment remains substantially the same as the venerable Todar Mall left it in 1668.

The third requisite pointed out is convenience. I have no experience of other Provinces, but I can fairly speak for my own. It is my experience that the present system lends to more official tyranny and extortion, and affords to the officials and their underlings more opportunities and facilities for bribery and grab than any other system one can think of. Again the time of payment of revenue is most inconvenient for the cultivator, and leads in many cases to the involuntary indebtedness of the ryot.

Last of all the present system cannot be justified on the principle of economy. A study of the figures for gross revenue and cost of collection shows that approximately 20 per cent. of the revenue is spent on collection alone, leaving aside the expenses of administration. Besides, this calculation ignores the equal if not greater amount of personal assessment levied by the revenue officials for the replenishment of their domestic treasury.

This, then, Sir, is the system of Land Revenue prevalent in the country, and if it is not high time to investigate into its defects in order to mend it or end it, I ask when that time is going to come? I have shown that the system is unsound, unscientific, uneconomical, uncertain, and inequitable, and the continuance of such a system in spite of the timely warnings we have given, may in time so deeply stir the placid depths of my agrarian fellow-subjects that their discontent may express itself in acts which all of us may sorely regret. I therefore request Honourable Members of this House to seriously consider the addition that I want to make to the amended Resolution and to give it their unanimous support, for thereby, they will be helping the cause of the masses whose spokesmen they really are. And I hope Government who also are the guardian of the toiling millions will endorse my amendment.

Mr. President : Amendment moved :

"In the amendment of Mr. Goswami, after the words 'general resources of the country' to insert the words :

'and an investigation into the defects of the prevailing system of Land Revenue Assessment'."

Mr. A. H. Lloyd (Member, Central Board of Revenue) : I am afraid, Sir, that the House will perhaps not have much patience with a Member on the Government benches rising to intrude a few practical conclusions in a somewhat exalted political atmosphere. This is not the first time that a Member on this side of the House has thought it his duty to do so. But I think I am compelled to make a few observations in this

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direction as a member of the Central Board of Revenue, the constitution of which was referred to by the Honourable the Finance Member in his speech at the beginning of this debate. The Central Board of Revenue has been charged with the supervision of the administration of those taxes which are collected direct for the Central Government, or by the Central Government, and there also falls within the range of its duties the first handling of taxation questions in which points, whether of a conflict of interests or some other overlapping between the interests of two Provincial Governments or between the interests of the Central Government and those of a Provincial Government, arise ; and in the comparatively brief space of time during which this Board has been in exercise of its functions, a considerable number of points have arisen which make it clear that the taxation inquiry referred to in the first part of the Honourable Mr. Goswami's amendment and of the Honourable Mr. Rama Aiyangar's Resolution is a matter of urgent necessity. The Honourable the Finance Member referred to one point only, that is to say, to the clash of interests between different provinces in the matter of excise revenue. I am aware that the Honourable Mr. Goswami, and I think, in fact, all Members of the House who have touched upon the subject, have expressed themselves as satisfied that there is need for an inquiry of some sort which would cover these points, and I do not, therefore, propose to elaborate this aspect of the matter at very great length, because to do so would be bringing a battering ram to an open door. But I think that I should mention a few matters in order to show that the case is really an urgent one. As I have said, the Honourable the Finance Member referred to the clash of interests between different provinces. Another very serious problem is the clash of interests between Provincial Governments and the Central Government in several directions, and in particular, in regard to the same matter of excise. The arrangements made, with the Reforms, in regard to revenue left the collection of a tax, that is to say, of customs duty on alcoholic liquors to the Central Government, and at the same time, left the collection of all other taxes upon alcoholic liquors, that is to say, the duty upon alcohol produced in the country and also license fees, to the Provincial Governments. The conflict of interests so created was obviously bound to lead at a very early date to serious problems. I may mention one or two. The Government of one province has in the Resolution covering the report of its Board of Revenue clearly stated that it was in order to compete with imported liquor that they reduced the rate of duty upon similar spirits made in the province below the tariff rate. Another province, the Central Provinces, which has declared prohibition to be the ultimate goal of its excise policy, has adopted the policy of enhancing the duty rates on spirits. It is a very unfortunate position when one province considers such a step necessary, while another province which is no doubt equally interested, I will not say in working towards a definite goal of prohibition, but at any rate in pursuing and developing the established policy of working for temperance, should in order to protect its revenue against encroachment by the Central revenues find it necessary to drop its duty. Another case which has arisen in connection with several provinces is the matter of the duty which is assessed on spirit used in making medicinal preparations and the like. I believe I am correct in saying that it began with the province of my Honourable friend Mr. Goswami. It has gone on elsewhere. These provinces have fixed a considerably lower rate of duty for such spirits than is fixed by the customs tariff. This is not, I think, so much a matter of trying to secure for the provincial adminis-

tration revenue which otherwise would go to the central administration as a measure of industrial protection. It was felt that certain firms which used such spirit in manufacturing medicinal preparations were at a disadvantage in competition with the imported preparations and so, as I say, it was a measure of industrial protection. Now, we in this Assembly are rather disposed to think that the policy of protection through tariff action is our own province ; and it is a matter at any rate for investigation whether some measures should not be taken to confine the activities of the various Governments to particular spheres in the matter of taxation. Then there is the question of income-tax. Income-tax has already shown signs of overlapping to some extent with certain provincial taxes. In Madras the High Court has held that the tax charged by the municipality on companies is a legitimate deduction from profits for the purpose of assessing our Central income-tax. Again there is the question of the amusement tax and income-tax. There is at least one large Turf Club in India which has to pay an amusement tax to the Provincial Government and that quite obviously is an instance of overlapping with the income-tax which it has to pay and does pay in large quantities to the Imperial exchequer. Other problems are the share which the provinces claim in the collections of income-tax. At present a proportion of the tax on the annual income in excess of the income assessed in 1920-21 is given to the provinces. And here again, not only is there a possibility of misunderstanding between the Central Government and Provincial Governments, but also the interests of two Provincial Governments may come into conflict. Many companies may have their offices established, for instance, in Bengal, in Calcutta, while their operations are conducted in another province, a tea company in Assam, a coal company in Bihar and Orissa. This particular question has been a matter, I think I am correct in saying, of *ad hoc* adjustments. But it is just because *ad hoc* adjustments create a most embarrassing body of case law which can lead to a great variety of false analogies, that the scientific inquiry which is now proposed is urgently necessary. I think therefore, Sir, that the first part of the Resolution moved by the Honourable Mr. Rama Aiyangar and the amendment moved by the Honourable Mr. Goswami, for the dissolution of the Taxation Inquiry Committee, fail to realize what a pressing problem this is.

As regards the general inquiry into the conditions of the masses of the people and into the possibility of raising the general level of prosperity, it appears to me that practically every speaker to-day has failed to take into account what the Honourable the Finance Member said as regards the action which the Government of India have already taken in this matter. The Government of India have no desire to shirk an inquiry of this sort. They are already in correspondence with Local Governments on the subject. Mr. Calvert has given very good grounds for disputing one point. It is a matter of opinion whether the inquiry can best be carried out centrally or locally. But the Government of India, as the Honourable the Finance Member has said, are quite prepared to undertake that inquiry, consider such an inquiry desirable if it can be undertaken, and have no desire to shirk it. The inquiry is an inquiry into the present economic conditions of the country. This is not the inquiry for which the Honourable Mr. Patel and the Honourable Mr. Chaman Lall press. It is perfectly clear from the remarks which have fallen from their lips that what they desire is an inquiry which will be conducted with the object, and if they have

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their way in selecting the members of the Committee—with the result, of proving what dreadful things the British administration has done for India in the past. It may be for political reasons very desirable to these gentlemen that it should be proved that the British administration has been a curse to India, but that seems to me quite irrelevant to what is the present economic position in India, and,—if Sir Purshotamdas Thakurdas wishes what is the taxable capacity of the people to-day.... (*Sir Purshotamdas Thakurdas* : I think Mr. Patel and Mr. Chaman Lall also wanted it for the same purpose.) Sir Purshotamdas Thakurdas reminds me that Mr. Patel and Mr. Chaman Lall want it for the same purpose. I grant that they said so, but what I wished to say was that from the rest of their remarks it was quite clear that their object was another one. Again, the Honourable Mr. Patel said that in holding this Taxation Inquiry Committee now the Government of India were putting the cart before the horse. He said that what was wanted was to find out whether taxation could not be reduced. That means an inquiry whether expenditure cannot be reduced. Such an inquiry was held a year or two ago ; the Honourable Sir Purshotamdas Thakurdas knows all about it. Demands have been made to reduce taxation. There is a limit beyond which taxation cannot be reduced. Several speakers on the opposite side appear to me to have failed completely to grasp the fact that this is not an autocratic despotism, that this is not the sort of Government that squeezes every penny it can out of the people for devotion to some unknown and unstated objects. Every penny which is spent out of the revenues of this country is accounted for, and the manner in which it is accounted for is brought to the notice of the Legislative Assembly, and a great deal of it is under their control. It seems to me curious that Members should have forgotten apparently that no taxation is collected beyond what is necessary for definite, real needs of administration. This is perhaps dragging me into the sphere of politics which I at the outset professed a desire to avoid. But I feel it necessary to mention this aspect of the matter, that the Government do not tax for the sake of taxing, and for the sake of some unknown beneficiary, in excess of the administrative needs of the country. I think I may leave it to the Honourable Mr. Cocke to point out as he has already done, that if the Honourable Mr. Patel considers that the British Government have not done enough to prevent epidemics of disease and to promote education, that is a measure of the extent to which they have failed to go as far as some people think they might have gone in imposing burdens of taxation upon the people of this country.

I, therefore, hope, Sir, that the House will realise that, whatever the need for a general economic inquiry, it is bound to be a matter, as the Honourable Sir Sivaswamy Aiyer has shown, which will involve a very prolonged and careful series of inquiries, and that the taxation Inquiry Committee's work cannot be postponed until after that other inquiry has been carried out.

Mr. President : I propose to adjourn now. This debate will be carried over to the 22nd, the next day for non-official Resolutions.

The Assembly then adjourned till Eleven of the Clock on Friday, the 19th September, 1924.

CORRIGENDUM.

In the L. A. Debates, Vol. IV, No. 51, p. 3356, line 19 from the bottom, *for* "the depressed classes by universal education, etc." *read* "the depressed classes. I suggest to the Government universal education, etc.".

LEGISLATIVE ASSEMBLY.

Friday, 19th September, 1924.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

FIXATION OF AN ECONOMIC BASIC WAGE FOR INDIAN LABOURERS IN CEYLON.

2210. ***Diwan Bahadur T. Rangachariar** : (*a*) Are the Government aware that assisted emigration on a very large scale is now going on to the Colony of Ceylon ?

(*b*) Have the Government received reports from their Agents in Ceylon and Malay States regarding the economic condition of the Indian labour population there and on the question of the economic minimum wages in the plantations and will the Government be pleased to lay them on the table ?

(*c*) When do the Government expect to be able to secure the fixation of an economic basic wage in Ceylon ?

(*d*) What steps do the Government propose to take to get the Government of Ceylon to settle the question without any more delay ?

Mr. J. W. Bhore : (*a*) Yes.

(*b*) Yes, but since the matter is still the subject of correspondence with the Colonial Governments concerned the Government of India regret that they are unable to comply with the Honourable Member's request.

(*c*) and (*d*). The Government of India are anxious to have the matter satisfactorily settled as soon as possible and have impressed this fact on the Colonial Governments. In Malaya their Agent is at present engaged on a preliminary inquiry into the question of wages and the cost of living. The Government of Ceylon have already completed one such inquiry through their Assistant Director of Statistics, a copy of whose report has been placed in the Library for the use of Honourable Members. The general conclusions embodied in that report did not, however, appear to be satisfactory and the Colonial Government have been asked to undertake a more comprehensive inquiry.

Sir Purshotamdas Thakurdas : Is there any other Colony where an economic basic wage is fixed for Indian labourers ?

Mr. J. W. Bhore : I am not aware of it, Sir.

Sir Purshotamdas Thakurdas : Are Government in communication with the other Colonies to this end ?

Mr. J. W. Bhore : No, Sir. Not at present.

Sir Purshotamdas Thakurdas : What about Mauritius ?

Mr. J. W. Bhore : The question of Maritius depends to some extent upon the report of the officer whom, as the Honourable Member knows, we are proposing to send there.

Mr. N. M. Joshi : Has there been no permanent Agent of the Government of India in Mauritius so far ?

Mr. J. W. Bhore : No, Sir.

Mr. N. M. Joshi : Why not ?

Mr. J. W. Bhore : Because we did not consider that the questions that arise there at the present moment are of sufficient importance to demand the presence of a permanent Agent. But we are sending an officer to report and we hope that he will be able to dispose of outstanding questions.

Mr. N. M. Joshi : Is it not a fact, Sir, that the Government of India are making a large sum of money out of the emigration fees ?

The Honourable Sir Basil Blackett : Not that I am aware of.

Mr. N. M. Joshi : Will the Honourable Member inquire ?

The Honourable Sir Basil Blackett : I am sure it is not so large a sum as to make me desire to spend more money on making these inquiries.

Sir Purshotamdas Thakurdas : Is it not the settled policy of the Government now to press for a settlement of the minimum economic wages for Indian labourers wherever they emigrate ?

Mr. J. W. Bhore : I am afraid it is not possible for me to give a definite reply in regard to the settled policy of Government in this matter.

Sir Purshotamdas Thakurdas : Have not the Government of India decided to press for this question of the minimum economic wages yet ?

Mr. J. W. Bhore : We have certainly decided to press for it so far as Ceylon and the Straits Settlements are concerned. As regards Mauritius, the matter is under consideration at the present moment.

Mr. N. M. Joshi : Will the Government of India consider the question of minimum wages on the plantations in India ?

Mr. President : That question does not arise.

Diwan Bahadur T. Rangachariar : Is this emigration designed in the best interests of the country ?

Mr. J. W. Bhore : The Honourable Member's next question deals with this point.

PREVENTION OF EMIGRATION OF ADULT LABOURERS FROM MADRAS.

2211. ***Diwan Bahadur T. Rangachariar :** (*a*) Have the Government taken steps to keep themselves periodically informed as to the numbers of labourers assisted to emigrate to Ceylon and to ascertain whether this inflow of labour injuriously affects the position of resident labourers in the Colony ?

(*b*) Are the Government of India or the Madras Government taking any steps to prevent emigration of adult labour in large numbers from that Presidency so that the Presidency may not eventually suffer from dearth of labour especially in view of the recent devastations by flood ?

Mr. J. W. Bhore : (*a*) The reply is in the affirmative.

(*b*) The reply is in the negative. The Government of India are not aware that any adverse effect on the local supply of labour has been produced by the efflux of labourers from South India to Ceylon ; and no representations that such effects are being produced have been received by them.

Diwan Bahadur T. Rangachariar : Is it to the credit of this Government that the people of this country should go out of this country to earn a wage of five annas per day ?

Mr. J. W. Bhore : That, I think, is a matter for the employers of labour.

Mr. A. Rangaswami Iyengar : May I know, Sir, if the attention of the Government has been drawn to a paragraph in the newspapers to the effect that as many as 1,500 labourers from the Tanjore and Trichinopoly districts emigrated to Ceylon two or three weeks ago ?

Mr. J. W. Bhore : No, Sir. The attention of Government has not been drawn to this paragraph, but I have no reason to think that it is an exaggerated figure.

Mr. N. M. Joshi : Will the Government inquire why labourers from Madras go out in such a large number to Ceylon ?

Diwan Bahadur T. Rangachariar : Has there been any inquiry into the economic condition of the labour population in Southern India ? Do the Government consider it necessary to have one ?

Mr. J. W. Bhore : That is a matter with which the Government of Madras are primarily concerned.

Mr. Chaman Lall : Will the Honourable Member get an undertaking from the Ceylon Government that a minimum living wage will be given to the workers who go to Ceylon ?

Mr. J. W. Bhore : I have already said that the question of a minimum wage is at the present moment being considered in conjunction with the Government of Ceylon.

Diwan Bahadur T. Rangachariar : In one of the answers given by the Honourable Member, he referred to the employer. Does he consider that all the people who emigrate are employed under some other employers or are they a mere part of the population ?

Mr. J. W. Bhore : I think they are all part of the agricultural population, chiefly agricultural labourers.

Diwan Bahadur T. Rangachariar : Then what does the Honourable Member mean by saying that the question is one for the employers to consider ?

Mr. J. W. Bhore : I refer the Honourable Member to his question. I meant to say that if labourers got employment and proper wages here, they would not emigrate to Ceylon.

Diwan Bahadur T. Rangachariar : But, if they can find no employment, what do the Government propose to do ?

Mr. J. W. Bhore : I am sure, Sir, that Government cannot be expected to find employment for everybody and prevent those who want it from going in search of it.

SEPARATION OF THE ESTABLISHMENT OF THE LEGISLATURE FROM THE LEGISLATIVE DEPARTMENT.

2212. *Diwan Bahadur T. Rangachariar : (*a*) Will the Government be pleased to give detailed reasons why they refuse to give effect to the wishes of this Assembly for separating the establishment of the Legislature from the Law Department of the Government of India ? Are the Government aware that the late Law Member favoured such a separation ?

(*b*) If the reason is purely financial will the Government be pleased to state the estimated amount of extra cost involved by such separation together with the scheme ?

(*c*) Are the Government prepared to appoint a small Committee of the Legislature to work out a scheme for the said purpose of separation ?

Sir Henry Moncrieff Smith : (*a*) The reasons for the decision which Government have for the time being reached in this matter were stated in my reply to Mr. Neogy's question No. 9 on the 1st February, 1924. The late Law Member's views on the subject were expressed in public pronouncements from which the Honourable Member can draw his own conclusions.

(*b*) The reasons are not purely financial.

(*c*) As at present advised, Government do not propose to appoint a Committee of the nature proposed.

Diwan Bahadur T. Rangachariar : Is it the intention of the Government to put this Assembly on the same footing as the British Parliament in England ?

Mr. N. M. Joshi : May I ask, Sir, the reasons which have actuated the Government not to separate these two departments ?

Sir Henry Moncrieff Smith : I would refer the Honourable Member to part (*a*) of the answer which I have just given.

Diwan Bahadur M. Ramachandra Rao : What is the cost involved and what is the exact answer to part (*b*) as it stands ?

Sir Henry Moncrieff Smith : The exact answer to (*b*) is that the reasons are not purely financial. As to the cost involved, no definite scheme has been worked out from which an estimate of the cost could be framed.

Diwan Bahadur T. Rangachariar : Do the Government consider that the other reasons are so confidential that they are not at liberty to divulge them ?

Sir Henry Moncrieff Smith : The reasons are not confidential, and I have already given them in my reply to a question by Mr. Neogy on the 1st February.

Mr. Gaya Prasad Singh : Will Government be pleased to lay on the table the opinion of the Law Member on the subject ?

Sir Henry Moncrieff Smith : The Law Member stated his opinion in this House, I think.

AMALGAMATION OF THE POSTS AND TELEGRAPHS DEPARTMENT WITH THE RAILWAY DEPARTMENT.

2213. *Mr. Amar Nath Dutt : (*a*) Is it a fact that the recommendation of the Retrenchment Committee was to the effect that the P. and T. and the Railway departments should be combined into one Department of the Secretariat with a Financial Adviser to help that Department ?

(*b*) Will the Government be pleased to lay before the House all the reasons for not carrying out of that recommendation ?

The Honourable Sir Basil Blackett : (*a*) The answer is in the negative.

(*b*) The question does not arise.

POSTS AND TELEGRAPHS DEPARTMENT.

2214. *Mr. Amar Nath Dutt : (*a*) Is it a fact that the old P. W. Department had a separate Branch, namely, Posts and Telegraphs ? and

(*b*) that after the dissolution of that Department the Posts and Telegraphs Branch in a diminutive form has been added to the office of the D. G. P. and T. as a separate secretariat branch, and that this has added to the cost of establishment of that office ?

The Honourable Mr. A. C. Chatterjee : (*a*) Yes.

(*b*) Yes, there being a considerable net saving to Government by the change.

GRANT OF THE STATUS OF SECRETARY TO GOVERNMENT TO THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

2215. *Mr. Amar Nath Dutt : (1) Was any consideration given by the Retrenchment Committee as to whether the old arrangement of submitting all financial and administrative proposals through the P. and T. Secretariat Branch caused delay and circumlocution which would be avoided if the D. G. P. and T. was given the status of a Secretary to the Government of India with a Financial Adviser to help him ?

(2) Was it held (*a*) that with a Financial Adviser attached to the Department of P. and T. it would seem quite unnecessary to have to refer cases concerning finances to an adminstrative Department of the Government of India ?

(*b*) that it was superfluous to introduce an intermediate Secretariat to express their opinion on such proposals ?

(*c*) that in very few administrative cases was the intervention of the P. W. D. Secretariat really necessary ?

(*d*) that there was no doubt that if the D. G. P. and T. was given the status of a Secretary a very great deal of circumlocution and delay would be avoided ?

(*e*) that additional work however thrown on the D. G. by that change of status would be more than compensated for by the relief from writing notes to the administrative Department and dealing with those which he receives from it ?

(*f*) and that though it would have added a great deal of additional responsibility to the already responsible post of the D. G. P. and T. his

work would have been greatly facilitated by the improvement in his status and his freedom from interference ?

(3) Is it a fact that though practically and partially the work of the office of the D. G. P. and T. has according to the new condition been arranged in the manner as proposed by the Retrenchment Committee the status of the D. G. has not been changed rather his office has been burdened with a Secretariat Branch, forming separate records of its own copied from the D. G.'s office files ?

The Honourable Mr. A. C. Chatterjee : (1) and (2). The Government of India are unaware of the precise considerations taken into account by the Retrenchment Committee, except in so far as these can be gathered from the terms of their report. They do not infer from that report that the Committee entertained the views suggested by the Honourable Member.

(3) The status of the Director-General has not been changed. The Secretariat Branch is not employed in the manner suggested by the Honourable Member.

TRANSMISSION OF LOTTERY NOTICES AND TICKETS THROUGH THE POST OFFICE.

2216. ***Dr. S. K. Datta :** Has the attention of Government been called to the fact that the Indian Post Office is being used for the transmission from Native States into British India of notices of lotteries and lottery tickets ? If so, will Government state whether such usage is contrary to law ? If not contrary to law, are Government prepared to amend the Post Office Act so as to render the transmission of lottery notices and tickets through the mails illegal ?

The Honourable Mr. A. C. Chatterjee : Government are not aware that the Indian Post Office is being so used. A rule issued under the Post Office Act already exists prohibiting the transmission by post of circulars relating to lotteries, and this prohibition is held to cover lottery tickets containing or accompanied by a communication or advertisement of any kind relating to the transaction.

Dr. S. K. Datta : Will the Honourable Member make inquiries if I hand him envelopes containing such notices of lotteries ?

The Honourable Mr. A. C. Chatterjee : If the Honourable Member will give me full details I shall certainly be very glad to make inquiries.

DISCUSSION IN THE ASSEMBLY OF THE INSTRUCTIONS TO THE INDIAN REPRESENTATIVE AT THE CONFERENCE ON THE CONTROL OF THE OPIUM TRAFFIC.

2217. ***Dr. S. K. Datta :** (*a*) Has the attention of Government been directed to a Reuter's message, dated London, August 27th (regarding the forthcoming Conference on the Control of the Opium Traffic called by the League of Nations) in which the following appears :

"Sir John Jordan, on behalf of Britain submitted a suggestion that the quantity of Indian opium exported to the States regulating opium-smoking should be reduced by 10 per cent. per annum, for 10 years and then the Government of Japan and Siam and Powers with possessions in the Far East should be requested to reduce their consumption of opium at the same rate. As however the suggestion was opposed on behalf of India it does not appear as a Resolution."

(*b*) Will Government state on whose authority was the suggestion opposed by the representative of the Indian Government ?

(*c*) Will Government in view of the Hon'ble the Finance Member's reply to starred question 1248 (5th June 1924) give this House an opportunity of discussing the instructions to the representative of the Government of India at the Conference on the Control of the Opium Traffic ?

The Honourable Sir Basil Blackett : (*a*) Yes.

(*b*) I do not think it is correct to say that Sir John Jordan put up any such proposal on behalf of Britain. The opposition of the Government of India is not to the reduction of consumption in the opium-consuming countries but to the suggestion that India should reduce her export in order to bring pressure to bear on the consuming countries. It is for the Governments of the consuming countries to put their house in order and the Government of India are not prepared to interfere in their internal affairs. If the Governments of the consuming countries reduce their demands of their own accord, the Government of India will raise no objection whatsoever.

(*c*) I am in hopes that the ballot for the next private Resolution day will help to solve the difficulty. I should welcome a discussion.

Mr. Gaya Prasad Singh : May I know if the opinion of the " representative of India " is the opinion of the Indian Government or the opinion of the people of India ?

The Honourable Sir Basil Blackett : I am not aware that there is any distinction.

Mr. Chaman Lall : In view of the Honourable Member's statement will the Honourable Member be pleased to give this House the date on which Dominion status was granted to India ?

The Honourable Sir Basil Blackett : If the Honourable Member will put that question down I will have it answered.

FARIDPUR STATION, EASTERN BENGAL RAILWAY.

2218. ***Mr. Alimuzzaman Chowdhry :** Will the Government be pleased to state :

(*a*) When Faridpur station (E. B. R.) was shifted to its present site ?

(*b*) Is there any building with adequate accommodation for offices and passengers ?

(*c*) If the answer be in the affirmative what is the dimension of such building or buildings ?

(*d*) Is there any platform ?

(*e*) Is it a fact that Faridpur is the headquarter station of a district ?

(*f*) What is the daily average number of passengers :

(*i*) inward,

(*ii*) outward.

(*g*) What is the daily average income from passengers and goods ?

Mr. A. A. L. Parsons : (*a*) In September 1916.

(*b*) Yes, but accommodation is temporary in consideration of the possibility of erosion by the river.

(*c*) Dimensions are :—Station master's office 336 sq. ft., telegraph office 144 sq. ft. and waiting shed 200 sq. ft.

(*d*) Yes ; it is a rail level platform.

(*e*) Yes.

(*f*) The daily average number of passengers is

(1) inward 202

(2) outward 196.

(*g*) The daily average income on account of passengers and goods is Rs. 233 and Rs. 204 respectively.

KALUKHALI STATION, EASTERN BENGAL RAILWAY.

2219. ***Mr. Alimuzzaman Chowdhry** : Will the Government be pleased to state :

(*a*) When Kalukhali Station, E. B. R., was shifted to its present site ?

(*b*) Is there any platform ?

(*c*) The average daily passengers :

(*i*) inward,

(*ii*) outward.

Mr. A. A. L. Parsons : (*a*) In June 1911.

(*b*) Yes, there is a rail level platform.

(*c*) The average daily passengers are

(*i*) inward 134,

(*ii*) outward 122.

PROMOTIONS OF INDIAN AND ANGLO-INDIAN SUBORDINATES TO THE SUPERIOR SERVICES OF STATE RAILWAYS.

2220. ***Mr. Alimuzzaman Chowdhry** : Will the Government be pleased to state :

(*a*) What progress has been made in giving effect to the recommendations of the Railway Committee, 1920-21, as dealt with in paragraph 183 ?

(*b*) Is it the intention of the Government

(*i*) to recruit superior grade officers from outside ; or

(*ii*) to promote qualified men from the higher ranks of the subordinate service ?

(*c*) Will the Government be pleased to furnish detailed statement of the appointment of

(*a*) Indians,

(*b*) Anglo-Indians,

from the higher ranks of the subordinate service to the superior service (Railways) during the last 5 years ?

Mr. A. A. L. Parsons : (*a*) The progress made up to November 1923 was shown in Annexures A and B to the explanatory memorandum of the Railway Budget for 1924-25. Similar figures for a year later are not yet complete but will be published in connection with next year's budget.

(*b*) (*i*) and (*ii*). Yes, from both sources.

(*c*), (*a*) and (*b*). A statement is laid on the table.

Statement showing the number of Indians and others recruited for the Superior services of State Railways from the subordinate ranks, during the years 1920 to 1924.

Departments.	1920.		1921.		1922.		1923.		1924.		Total.	
	Indians.	Non-Indians.	Indians.	Non-Indians.	Indians.	Non-Indians.	Indians.	Non-Indians.	Indians.	Non-Indians.	Indians.	Non-Indians.
Engineering	..	..	3	4	1	2	1	..	..	..	5	6
Traffic	..	..	..	..	3	7	..	..	..	..	3	7
Loco. & Carr. & Wagon ..	..	..	..	2	..	1	..	..	..	..	..	3
Signalling and Electrical ..	..	2	..	..	..	1	..	1	..	..	..	4
Stores	..	..	..	..	..	..	1	..	..	..	1	..
Coal	..	..	..	1	..	..	..	..	..	..	..	1
Total ..	..	2	3	7	4	11	2	1	..	..	9	21

PROMOTION OF INDIAN SUBORDINATES TO THE SUPERIOR SERVICES OF STATE RAILWAYS.

2221. ***Mr. Alimuzzaman Chowdhry**: (*a*) Will the Government be pleased to lay on the table memorials received from the Indians serving in the higher ranks of the subordinate service (railway) for promotion to the superior grade during last 4 years ?

(*b*) Do the Government propose to review those memorials and remove the grievances of those whose services are found satisfactory by promoting them to superior grade ?

Mr. A. A. L. Parsons: (*a*) Government see no reason to do so.

(*b*) All memorials are fully considered at the time of their submission and Government see no reason for review of the action taken in this respect.

POLICY RELATING TO THE RECRUITMENT AND PROMOTION OF INDIANS AND ANGLO-INDIANS TO THE SUPERIOR SERVICES OF STATE RAILWAYS.

2222. ***Mr. Alimuzzaman Chowdhry**: Will the Government be pleased to state a definite policy of proportionate recruitment and promotion of Indians and Anglo-Indians for the superior grade service (railway) ?

Mr. A. A. L. Parsons: (*a*) Recruitment and promotion must primarily depend on qualifications but in accordance, however, with the undertaking given by Sir Malcolm Hailey in March 1923 Government endeavour to arrange that the services are not unduly overweighted with representatives of any one community.

COMMERCIALISATION OF THE ACCOUNTS OF THE POSTS AND TELEGRAPHS DEPARTMENT.

2223. ***Mr. N. M. Joshi**: Will Government be pleased to state whether the commercialisation of the accounts of the Post and Telegraph Department has yet been completed ? If so, will they also state whether

the "profit" of Rs. 24 lakhs which was mentioned in the Profit and Loss account placed before the Assembly with the Budget for the current year is expected to materialise as an actual commercial profit on the working of the Department ?

The Honourable Mr. A. C. Chatterjee : Considerable progress has been made towards the commercialisation of the accounts of the Post and Telegraph Department and it is expected that a proper commercial profit and loss account will be placed before the Assembly when the Budget for 1925-26 is presented. It seems probable from the investigations already carried out that, when all proper debits and credits have been made, the Department will be found to be working at an appreciable loss instead of a profit.

Sardar V. N. Mutalik : Do Government intend to separate the accounts of the Post and Telegraph Department ?

The Honourable Mr. A. C. Chatterjee : There will be separate accounts for the Post and Telegraph Department.

Sir Purshotamdas Thakurdas : Is it the Postal Department that is working at a loss ?

The Honourable Mr. A. C. Chatterjee : My reply referred to the combined activities of the Post and Telegraph Department.

Sir Purshotamdas Thakurdas : Will the Honourable Member say how the two departments separately will work out ?

The Honourable Mr. A. C. Chatterjee : I cannot say at the moment.

Sardar V. N. Mutalik : Will the Honourable Member tell us what system is followed with regard to these accounts ?

The Honourable Mr. A. C. Chatterjee : The system will take a whole volume to describe.

ALLEGED MALPRACTICES OF CERTAIN EMPLOYEES OF THE EAST INDIAN RAILWAY.

2224. ***Mr. M. Yusuf Imam :** (*a*) With reference to reply given to Mr. Gaya Parsad Singh M.L.A.'s question No. 765, dated 13th March 1924, with regard to malpractices of certain employees and the reselling of tickets Nos. 92, 93 and 94 of Raghunathpore, will the Government be pleased to state if the newspapers referred to in the question have since been received and passed on to the Agent stating the nature of the action to be taken ?

(*b*) Will the Government be pleased to inquire what prevents the Railway Company from taking action under section 112 of the Indian Railway Act if the reselling of the tickets is correct ?

Mr. A. A. L. Parsons : (*a*) The newspapers have been received and passed on to the Agent, as promised in reply to question No. 765 on 13th March, 1924.

(*b*) The matter is within the competence of the Agent and Government do not propose to intervene.

RAILWAY DISASTER NEAR HARAPPA ON THE NORTH-WESTERN RAILWAY.

2225. *Khan Bahadur Ghulam Bari : (*a*) Are the Government aware of a dreadful collision of two express trains between Harappa and Mirdad Muafi Stations on the N. W. Railway ?

(*b*) Will the Government be pleased to state the total number of casualties ?

(*c*) Will the Government be pleased to state the cause of such a disaster ?

(*d*) What steps do the Government propose to take in future to avoid such heavy loss of life and misery ?

Mr. A. A. L. Parsons : The Honourable Member is referred to the reply given in this Assembly on 10th September, 1924, to Diwan Bahadur M. Ramachandra Rao's question, which was supplemented by a reply I made on the following day.

INCREASE IN THE NUMBER OF GAZETTED MUSLIM OFFICERS IN THE PUNJAB INCOME-TAX DEPARTMENT.

2226. *Khan Bahadur Ghulam Bari : (*a*) What is the proportion of Muslim Income-tax officers in the Punjab Income-tax Department as compared with non-Muslim officers ?

(*b*) How many Muslim Assistant Commissioners of Income-Tax are there in India ?

(*c*) What steps do the Government propose to take to increase the number of gazetted Muslim officers in the Punjab Income-tax Department, to give effect to the policy enunciated by Sir Malcolm Hailey in the Legislative Assembly ?

The Honourable Sir Basil Blackett : (*a*) Out of 26 Income-tax officers in the Punjab, five are Muhammadans.

(*b*) There are three Muslim Assistant Commissioners in the major provinces where special income-tax staff is working.

(*c*) The appointments of Assistant Commissioners of Income-tax and Income-tax officers are made by the Commissioners of Income-tax with the approval of the Local Government concerned, and the Government have no doubt that, with due regard to the efficiency of the Income-tax Department, effect is given by the Commissioners to the policy enunciated by Sir Malcolm Hailey in the Legislative Assembly.

Lala Duni Chand : May I know what reply has been given to the question of my friend as to the amount of the income-tax paid yearly by Muslims and non-Muslims ?

The Honourable Sir Basil Blackett : If I had heard that question I would probably have asked for notice of it.

Lala Duni Chand : Do the Muslims suffer by reason of the fact that there are not as many Muhammadans in the Income-tax Department as my friend would wish them to be ?

The Honourable Sir Basil Blackett : The answer is I think in the negative.

PRIVILEGES ALLOWED TO MESSRS. SPENCER AND CO'S. EUROPEAN RAILWAY REFRESHMENT ROOMS.

2227. *Mr. T. C. Goswami: (*a*) Is it a fact that the following privileges are allowed to the European refreshment rooms maintained by Messrs. Spencer & Co., Madras :

(1) free carriage over the railway of all furniture belonging to the European refreshment rooms ;

(2) carriage of other articles needed for the use of the Refreshment rooms at ¼ the rates charged from the public ;

(3) free carriage of aerated waters, ice, etc., needed for the Refreshment Rooms ;

(4) free light, etc.,

(5) telegram, free of charge ?

(*b*) Are similar privileges given in regard to Indian refreshment rooms ? If not, what are the reasons for this differential treatment ?

Mr. A. A. L. Parsons: Inquiry is being made and the information will be furnished to the Honourable Member in due course.

Mr. N. M. Joshi: May I ask if the information will be made available to the House ?

Mr. A. A. L. Parsons: I have no objection. I gave the answer in this form because I did not think the matter was of sufficient importance to print, but if you desire this particular information, I have certainly no objection.

Mr. N. M. Joshi: Yes, I do desire that this information should be given to the House.

RETRENCHMENT IN THE ARMY ESTIMATES FOR 1924-25.

2228. *Sir P. S. Sivaswamy Aiyer: Will the Government be pleased to state whether the scrutiny of the Army Estimates for 1924-25, by a sub-committee of the Executive Council has been completed and, if so, whether any, and, what retrenchment has been effected in the same ?

The Honourable Sir Basil Blackett: As I stated in reply to a question by my Honourable friend Mr. Gaya Prasad Singh, the Sub-Committee was engaged in examining the probable military expenditure for 1925-26. This preliminary scrutiny has been completed, but at this date the results are naturally provisional and I cannot say more than that it is hoped that the established charges of the military estimates will show a further reduction in 1925-26.

INCREASE IN THE PAY AND ALLOWANCES OF BRITISH OFFICERS AND OTHER RANKS IN THE ARMY IN INDIA.

2229. *Sir P. S. Sivaswamy Aiyer: (*a*) Will the Government be pleased to state whether there has been a fall or rise in the cost of living in British India since 1919, and whether the Government have any intention of applying the principle of adjustment in accordance with a fluctuation in the cost of living announced in the British Army Order 324 of 1919 and referred to in the Anderson Committee's Report of July 1923 ?

(*b*) Will the Government be pleased to state whether proposals are under consideration for increase in the pay and allowances of British officers and other ranks in the Army in India, and, if so, will the Government be pleased to furnish details of such proposals, the total additional cost involved, the stage reached by such proposals, and, the date from which the said proposals are intended to come into effect ?

Mr. E. Burdon : (*a*) and (*b*). Such information as the Government of India possess on the point goes to show that there has been a rise in the cost of living for Europeans in British India since 1919. As regards the remainder of the question and in so far as it relates to officers, I would invite the Honourable Member's attention to the reply given on the 15th instant to starred question No. 1883. There are no proposals under the consideration of the Government of India for the revision of the pay of British other ranks.

Diwan Bahadur T. Rangachariar : When was this inquiry made ?

Mr. E. Burdon : I made no reference to any inquiry ; I said such information as the Government of India possessed showed this.

Diwan Bahadur T. Rangachariar : Will the Honourable Member lay the information on the table ?

Mr. E. Burdon : I do not think the information is in a form in which it can be placed on the table.

REDUCTIONS OF INCREASES IN THE BRITISH AND INDIAN ARMY ESTIMATES SINCE 1920-21.

2230. ***Sir P. S. Sivaswamy Aiyer :** Will the Government be pleased to furnish a comparative statement showing the reductions or increases in the British and Indian Army Estimates, from year to year, since the year 1920-21, with regard to :

(A) The strength of the fighting units.

(B) The strength of the Ancillary Services.

(C) The strength of the Territorial Forces.

(D) The strength of the Reserves.

(E) The number of equipped hospital beds, the number of R. A. M. C., and I. M. S. officers and the number of nurses, provided for.

Mr. E. Burdon : I will furnish the Honourable Member separately with certain statements which contain the information desired by him in so far as the years 1921-22 to 1924-25 are concerned.

I may mention that most of this information is already given in the budget estimates for these years.

The figures for the year 1920-21 are not available in a connected form and I am afraid I cannot undertake a special compilation. I hope the Honourable Member will find sufficient the very considerable statistics with which I am otherwise providing him.

DEPUTATION TO ENGLAND OF AN OFFICER IN CONNECTION WITH THE SETTLEMENT OF THE AMOUNTS IN DISPUTE BETWEEN HIS MAJESTY'S GOVERNMENT AND THE GOVERNMENT OF INDIA.

2231. ***Sir P. S. Sivaswamy Aiyer :** With reference to the statement of the Finance Member on the 1st February 1924, regarding the outstanding financial questions between the Government of India and the

Imperial Government, will the Government be pleased to state whether they have any intention of adopting the suggestion made during the Budget session of 1924 that they should depute an officer of suitable qualifications and status for a personal discussion and negotiation of the terms of settlement with the Imperial authorities ?

The Honourable Sir Basil Blackett : I have in fact already answered this question in reply to a private notice question on September 8th by Mr. Rangaswami Iyengar. The Honourable Member will no doubt be pleased to note that this suggestion has been adopted.

REDUCTION IN THE STAFF OF ARMY HEADQUARTERS.

2232. *Sir P. S. Sivaswamy Aiyer : Will the Government be pleased to state whether the reductions recommended by the Innes Committee in the staff of the Army Headquarters have been fully carried out ?

Mr. E. Burdon : The Committee presided over by the Honourable Mr. (now Sir) C. A. Innes recommended that the establishment of officers at Army Headquarters should eventually be reduced so as to effect a saving of Rs. 8.13 lakhs and that the establishment of clerks should be reduced to effect a saving of Rs. 9 lakhs. The Indian Retrenchment Committee endorsed the recommendations of the Innes Committee in so far as they related to officers ; but, realising that an immediate reduction to the extent required was not possible, recommended that during the year 1923-24 the provision for officers at Army Headquarters should be reduced by at least Rs. 4 lakhs. As regards clerks, the Retrenchment Committee did not accept in their entirety the views of the Innes Committee and recommended that the provision for clerks should be reduced by 2 lakhs.

As regards officers, reductions have been made which will give a saving in cost of Rs. 4 lakhs a year. It is hoped to make further reductions in 1924-25 and 1925-26. In regard to clerks, effect has been given to reductions which will yield an annual saving in expenditure of about Rs. 2 lakhs.

ADOPTION OF METHODS FOR SECURING SUITABLE INDIAN CADETS FOR SANDHURST.

2233. *Sir P. S. Sivaswamy Aiyer : Will the Government be pleased to state whether :

(1) Their attention has been drawn to the recommendations of the Haldane Committee on the education and training of officers of the Army ?

(2) In view of the unsatisfactory character of the Indian cadets entered at Sandhurst, they have consulted any non-officials with regard to the best methods of securing educated candidates of a suitable type ?

(3) They are prepared to appoint a Committee of officials and non-officials to advise them as to the methods to be adopted for securing a supply of suitable candidates ?

(4) They will be pleased to furnish particulars of the new form of examination which has been adopted for admission of cadets to Sandhurst and Woolwich, and of the scheme recently prepared by the Imperial General Staff with the

object of providing various channels of admission into the commissioned ranks, and stimulating the flow of university candidates, and attracting young men of ability, attainments, and ambition into the Army ?

Mr. E. Burdon : (1) Government have seen the Committee's report.

(2) I am very far from being prepared to admit, in the general terms used by the Honourable Member, that the character of the Indian cadets entered at Sandhurst is unsatisfactory. The answer to the latter part of the question is that Government have not so far formally consulted non-official opinion, save to this extent that non-official Indians are associated with the Committees appointed by the Local Governments to nominate candidates for Sandhurst.

(3) I will see that the suggestion here made receives consideration.

(4) Particulars of the scheme to which the Honourable Member refers have not been received in India. Government understand that new regulations are now in the process of being compiled at the War Office.

RESOLUTIONS OF THE ASSEMBLY ON THE ESHER COMMITTEE'S REPORT.

2234. ***Sir P. S. Sivaswamy Aiyer :** With reference to my Resolution moved on the 4th of July 1923, regarding certain Resolutions of the Assembly on the Esher Committee's Report, will the Government be pleased to state whether the Secretary of State has since passed any orders accepting these Resolutions, and, if not, what steps have been taken by the Government of India to urge the points on the Secretary of State ?

Mr. E. Burdon : The answer to this question is very long and very obscure unless it is read with the replies to previous questions, which are quoted, and with your permission I will lay it on the table.

The contents of the four earlier Resolutions, which formed the subject of the Honourable Member's Resolution referred to in the present question were analysed in the statement which was laid on the table of this House on the 2nd July 1923 in reply to starred question No. 55. I will deal *seriatim* with the items mentioned in that statement.

Items 1 and 7.—A further representation has been addressed to the Secretary of State on the subject of the admission of Indians to the commissioned ranks of the Royal Artillery, Royal Engineers, and the Royal Air Force, and on the subject of increasing the number of King's commission in the army granted annually to Indians. The question of the measures to be adopted for the recruitment and training of Indians as officers of the Royal Indian Marine was examined by the Indian Mercantile Marine Committee, whose report is at present under the consideration of the Government of India.

Items 2 to 6.—No further action of a specific character and no further reference to the Secretary of State are required in regard to those items.

Item 8.—No further action of a specific character is at present required in regard to this item.

Items 9 and 10.—The position remains unaltered.

Item 11.—A Committee has been appointed under a Resolution of this House to inquire into the question of improving the organization of the Territorial Force.

Item 12.—Effect has been given to this recommendation.

Item 13.—There is nothing to add to the information previously given, and I think my Honourable friend is fully acquainted with the present position. I may perhaps invite his attention to the reply given on the 1st February 1924 to starred question No. 40.

Items 14 and 15.—The position remains unaltered.

REORGANISATION OF THE ROYAL INDIAN MARINE.

2235. *Sir P. S. Sivaswamy Aiyer : Will the Government be pleased to furnish details of the scheme for the reorganisation of the Royal Indian Marine into a combatant service, and state whether the scheme has been sanctioned, and whether it includes proposals for the training and employment of Indians as seamen and officers.

Mr. E. Burdon : The proposals are under consideration and the Government of India are not yet in a position to furnish any details regarding them.

ESTABLISHMENT OF A MILITARY COLLEGE AT BANGALORE.

2236. *Sir P. S. Sivaswamy Aiyer : Have the Government considered the desirability of establishing at Bangalore an institution like the Prince of Wales Military College at Dehra Dun for the training of boys for admission to Sandhurst.

Mr. E. Burdon : The answer is in the negative.

Diwan Bahadur T. Rangachariar : Will the Government consider the desirability of doing this, if they have not already done so ?

Mr. E. Burdon : No, Sir. I may as well tell the Honourable Member frankly that there is at present no intention of establishing another Dehra Dun. Our first expansion will be in the direction of enlarging the Dehra Dun school itself.

Sardar V. N. Mutalik : Do Government feel that one is sufficient for the purpose ?

Mr. E. Burdon : It is amply sufficient for our present needs. A larger school at the moment would produce more cadets than we can find employment for within the limited number of commissions available.

Sardar V. N. Mutalik : Are Government aware that the Dehra Dun institution is very inconvenient to persons coming from the southern side of India ?

Mr. E. Burdon : I know that Dehra Dun is a considerable distance from Southern India, but I also know we have no lack of candidates for the Dehra Dun College.

EXCLUSION OF BURMA FROM RECOMMENDATIONS MADE BY THE TARIFF BOARD IN REGARD TO PROTECTIVE DUTIES.

2237. *Mr. W. S. J. Willson : Will it be within the sphere of the Tariff Board to exclude Burma from any recommendations they may make in regard to protective duties ?

The Honourable Sir Charles Innes : If the Tariff Board desires instructions on the point raised by the Honourable Member, it will no doubt ask for them. It has not done so yet.

Mr. E. G. Fleming : Has the suggestion the Burma Chamber of Commerce made to the Local Government, namely, that the most equitable way of dealing with the increased duties accruing from the enhanced duties on steel should be made over to the Government of Burma not to the Central Revenue, been received by and considered by the Central Government and if so what decision has been arrived at if any ?

The Honourable Sir Basil Blackett : I understand that the suggestion has been received and that it is under consideration.

INDIAN PILGRIMAGE OFFICER AT JEDDAH.

2238.***Khan Bahadur Sarfaraz Hussain Khan :** With reference to the following statement by Government in paragraph 3 of their letter to Local Governments, dated Simla, the 26th April 1924, on the subject of the Indian Merchant Shipping (Amendment) Bill, namely, " To this end they have appointed a special pilgrimage officer to watch over the interests of the pilgrims ", will they please state :

(*a*) whether the headquarters of this officer are at Bombay, Karachi or Jedda ?

(*b*) whether he has himself to tour and look after the needs and requirements of the pilgrims at the different ports from which the pilgrims embark or at which they land, or whether he has subordinate officers stationed at the different ports for the said purpose ?

(*c*) whether the said officer is also required to look after or get reports of the hardships to which pilgrims are subjected during their journey from Mecca to Medina ?

(*d*) if it is not he, which other officer is it whose primary concern it is to watch over the interests of the pilgrims during their journey from Mecca to Medina ?

Mr. J. W. Bhore : (*a*) At Jeddah.

(*b*) The officer's duty is mainly to look after the interests of the pilgrims at Jeddah. At Bombay and Karachi there are Protectors of Pilgrims to attend to the needs of the pilgrims.

(*c*) and (*d*). The special Indian Pilgrimage Officer works under the British Consul at Jeddah who is primarily responsible for watching the interests of all British subjects including Indian pilgrims during their stay in the Hedjaz and whose functions are, of course, confined to those exercised by Consular Officers in other foreign states.

Khan Bahadur W. M. Hussanally : Is this officer employed by the Government of India or the Home Government ?

Mr. J. W. Bhore : By the Indian Government.

Khan Bahadur Sarfaraz Hussain Khan : Have the Government made any arrangements for the pilgrims going from Mecca to Medina ?

Mr. J. W. Bhore : What arrangements does the Honourable Member refer to ?

Khan Bahadur Sarfaraz Hussain Khan : Arrangements for their comforts on their journey from Mecca to Medina.

Mr. J. W. Bhore : No, Sir.

Mr. Harchandrai Vishindas : Is the Jeddah officer appointed by the Government of India or the Home Government ?

Mr. J. W. Bhore : I have already said by the Government of India.

TRANSFER OF THE SURMA VALLEY DIVISION FROM ASSAM TO BENGAL.

2239. ***Mr. K. C. Neogy** : (*a*) Are Government aware that a Resolution has been adopted by the Assam Legislative Council in its last July session recommending the transfer of the Surma Valley Division from Assam to Bengal ?

(*b*) Have Govt. received any communication from the Government of Assam on the subject ?

(*c*) Are Government aware that in the debate in the Legislative Assembly in 1921, on the question of reconstitution of Provinces, Sir William Vincent gave an assurance that if a Resolution were adopted in the Assam Council recommending the transfer of Sylhet to Bengal, the Government of India would give it their most careful consideration ? What action do Government now propose to take in the matter ?

The Honourable Sir Alexander Muddiman : (*a*) Yes.

(*b*) The Local Government have informed the Government of India that the question is under their consideration.

(*c*) Yes. The question will be carefully considered by the Government of India in due course.

REPORT OF THE FRONTIER INQUIRY COMMITTEE.

2240. ***Nawab Sir Sahibzada Abdul Qaiyum** : (*a*) Will the Government be pleased to state what action, if any, they propose to take on the Frontier Inquiry Committee Report now that it has been before the public for the past five months ?

(*b*) Has the attention of the Government been drawn to a letter "Public Grievances" published in the "Muslim Outlook" of the 19th August on the subject and are they aware of the fact that there is widespread discontent amongst the educated classes in the North West Frontier Province over the Government's delay in giving effect to the recommendations contained in the Majority Report ?

Mr. Denys Bray : (*a*) The recommendations contained in the Report from the subject of correspondence with the Secretary of State and Government are not yet in a position to make any announcement.

(*b*) The attention of Government has been drawn to the letter, and the public desire for an early announcement is recognized.

INTRODUCTION OF THE PRINCIPLE OF ELECTION ON A COMMUNAL BASIS IN LOCAL BODIES IN THE NORTH WEST FRONTIER PROVINCE.

2241. ***Nawab Sir Sahibzada Abdul Qaiyum** : Will the Government be pleased to state if the N. W. Frontier Administration intend taking any action in the near future with respect to the introduction of the principle of

election, on a communal basis, in the Municipalities and District Boards of the Province ? If not, will they please state the reasons thereof ?

Mr. J. W. Bhore : The matter is under the consideration of the North West Frontier Province Administration and the Government of India are not in a position to make a statement on the subject at present.

ESTABLISHMENT OF AGRICULTURAL BANKS OR CO-OPERATIVE SOCIETIES IN THE NORTH-WEST FRONTIER PROVINCE.

2242. *Nawab Sir Sahibzada Abdul Qaiyum : (*a*) Are Government aware that there are no Agricultural Banks or Co-operative Societies in the N. W. F. Province and that the rural and agricultural population of the Province is suffering to a great extent from want of such facilities ?

(*b*) Will the Government be pleased to state if the Frontier Administration has ever approached them on the subject of opening Agricultural Banks and Co-operative Societies in the Province and if so, with what results ?

Mr. J. W. Bhore : (*a*) Yes. There are no Agricultural Banks or Co-operative Societies in the North-West Frontier Province at present. On the passing of the Co-operative Societies Act of 1904 efforts were made to start Co-operative Societies in that province but the rural population there being orthodox Muhammadans their objection to the levy of interest or profits on capital hampered the extension of the movement and the only Co-operative Society working there had to be cancelled in 1913-14.

(*b*) The Local Administration, which has never approached the Government of India on the subject, is itself competent to start such Societies and no reference to the Government of India is necessary.

Nawab Sir Sahibzada Abdul Qaiyum : Will the Government be pleased to state if the objection of the Muhammadan population was conveyed in writing, or how did the Government come to know that the population objected to or did not take a favourable view of Co-operative Societies ?

Mr. J. W. Bhore : I am afraid I cannot say, but the information the Government have is as stated.

Nawab Sir Sahibzada Abdul Qaiyum : Are Government aware that times have changed and the rural population there after seeing the benefits of the co-operative movement in other parts of the country will be more in favour of patronising these societies ?

Mr. J. W. Bhore : Sir, I think that is a question for the Administration of the North West Frontier Province to consider.

Lala Duni Chand : Will Government require a guarantee from the Honourable Member or any body else as to the safety of the cash chests of these co-operative societies before they are started ?

Nawab Sir Sahibzada Abdul Qaiyum : We have got a large population of Hindus in the trans-border areas where they enjoy a guarantee of protection for their lives and property. Similarly a guarantee of that sort can be given in the settled districts also.

Lala Duni Chand : Will the Government approve of what my Honourable friend has just said ?

EMPLOYMENT OF MUHAMMADANS IN GOVERNMENT DEPARTMENTS IN THE NORTH-WEST FRONTIER PROVINCE.

2243. *Nawab Sir Sahibzada Abdul Qaiyum : (*a*) Will the Government be pleased to state what proportion of Muslim and non-Muslims and local people and outsiders there is at present in the Provincial and Subordinate services of the N. W. F. Province and whether it is in accordance with the numerical ratio of the various communities in the Province ?

(*b*) Is it within their knowledge that there are scarcely any Muslims in some offices of the Province ?

(*c*) Is it not fact that the majority of the head clerks and superintendents in district offices and departments such as municipal and district boards are non-Muslims and are Government aware that Muslim local candidates find it rather hard to get into these offices ?

(*d*) Are Government prepared to take some measures to minimise these difficulties ?

Mr. Denys Bray : The information required is being collected and will be supplied to the Honourable Member in due course.

Diwan Bahadur T. Rangachariar : May I ask, Sir, if the Government approve of this, that appointments should be in accordance to the numerical ratios of the various communities ? Have they any opinion to offer on that point suggested in this question ?

Mr. Denys Bray : As far as I am concerned, I require notice of the question.

Mr. Gaya Prasad Singh : Will the information when collected be laid on the table of the House for the benefit of other Members as well ?

Mr. Denys Bray : The House is very voracious for information and if there is a general desire I shall have to accede to it.

Mr. Mahmood Schamnad Sahib Bahadur : Are the Government aware that there is widespread discontent among the educated community of the North-West Frontier Province as outsiders are imported to fill Government posts there ? Will Government see that this undesirable practice is put a stop to ?

Mr. Denys Bray : I shall require notice of that question also.

Lala Duni Chand : Is it a fact that there is not a single Hindu magistrate in the Dera Ismail Khan district or the Kohat district ?

Nawab Sir Sahibzada Abdul Qaiyum : There are a lot of Hindu honorary magistrates in these districts.

Mr. President : Order, order.

GRIEVANCES OF THE RAILWAY BOARD STAFF.

2244. *Sardar V. N. Mutalik : (*a*) Has the attention of the Government been drawn to the article published in the " Tribune " of the 16th July last regarding certain grievances of the staff employed in the Railway Board's office ?

(*b*) If so, will Government be pleased to state what action, if any, has so far been taken thereon ? If not, why not ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) No action. The organisation of the office of the Railway Board is already under consideration.

TEMPORARY STAFF OF THE RAILWAY BOARD'S OFFICE.

2245. *Sardar V. N. Mutalik : (*a*) With reference to the statement laid on the table of the Legislative Assembly in reply to starred question No. 723, by Mr. Chaman Lall, on the 10th March 1924, will Government kindly state the reasons for keeping the temporary hands in suspense for years when the period of probation in the Secretariat is ordinarily one year ?

(*b*) Is it a fact that men with much shorter service have been absorbed in the permanent establishment of other Departments of the Government of India against leave reserve and other vacancies ? If so, why has not similar action been taken in the Railway Department, and when will it be taken ?

(*c*) Is it a fact that certain permanent vacancies in the Railway Department Secretariat are kept unfilled ? If so, why ?

(*d*) Is it a fact that the scales of pay of even such temporary clerks in the Railway Department as have already passed the prescribed period of probation (one year) are going to be reduced as a result of reorganisation ? If so, will the Government state the grounds for such action ? Have Government taken into consideration the fact that these men were originally offered, and were entertained on, the existing Secretariat scales of pay and that confirmation on these scales of pay has all along been held before them as their legitimate prospect ?

Mr. A. A. L. Parsons : (*a*) It has not been possible to estimate the extent to which the recommendations of the Acworth and Inchcape's Committees would affect the clerical work in the Railway Board's office, and it was therefore considered inadvisable to revise the cadre.

(*b*) Yes. The Honourable Member is referred to the reply to part (*a*) of his question.

(*c*) Yes. There are two vacancies one of which was provisionally filled from 1st January 1923, the second has not been filled for the reasons given in the reply to part (*a*) of this question.

(*d*) No decision has been arrived at. The matter is under consideration.

Mr. Chaman Lall : May I ask how long this scheme of reorganisation has been under consideration ?

Mr. A. A. L. Parsons : I am not quite sure. The actual position is this. The main reorganisation of the Railway Board was only given effect to about the beginning of April, and it is still a little doubtful exactly what our requirements will be. They depend to a certain extent on a Resolution which this House is already discussing. But I understand the proposals dealing with the clerical staff will be put forward as soon as we know the work they have to do.

Mr. Chaman Lall : Will the Honourable Member give us an undertaking that temporary hands in the Railway Board of several years' standing will be given permanent appointments.

Mr. A. A. L. Parsons : I cannot give such an undertaking offhand. I have not myself seen the case. But in determining our staff we shall certainly show them consideration. That is about as far as I can go.

DELAY IN THE REORGANISATION OF THE RAILWAY BOARD SECRETARIAT.

2246. *Sardar V. N. Mutalik : (*a*) What is the cause of the delay in the completion of the re-organisation of the Railway Board Secretariat ? When is it expected to be completed and from what date will it be given effect to ?

(*b*) Do the Government propose to introduce in the Railway Department Secretariat any scales of pay for the clerical staff lower than those in force in other Secretariats of the Government of India ? If so will Government kindly state what reason there is for the adoption of such a course ?

(*c*) Will the Government be pleased to state the different scales of pay proposed for Clerks, Assistants and Superintendents after re-organisation ?

(*d*) Will these scales of pay apply to the present staff, whether permanent or temporary, or to future entrants only ?

Mr. A. A. L. Parsons : The Honourable Member is referred to the reply to his previous question and to the answers to supplementary questions that have been put to me.

STAFF SELECTION BOARD'S CANDIDATES.

2247. *Sardar V. N. Mutalik : (*a*) Will Government be pleased to say on what basis appointments are offered by the Staff Selection Board to passed candidates in their list ?

(*b*) Is there any fixed criterion either on the basis of length of service in the Secretariat or priority of passing the Board's examination or academic qualifications or it rests entirely on the discretion of the Secretary to the Board ?

(*c*) Is it a fact that in some cases men with shorter service have been given permanent appointments in leave reserve vacancies in preference to men with longer service ? If so, why ? Who makes the selection—the Board or the Secretary by himself ?

(*d*) Will Government kindly say whether there is any check against inequalities or disparity of treatment between men and men or any provision for the protection of interests of individual candidates ? If so, what ?

The Honourable Sir Alexander Muddiman : (*a*) The Board maintain lists of all qualified candidates graded according to the categories for which they are qualified and nominations are made from these lists.

(*b*) Nomination depends on a candidate's position on the list and the nature of the vacancy to be filled.

(*c*) Yes—because longer service does not necessarily confer the stronger claim. In most cases selections for leave reserve vacancies were made by the Departments concerned and submitted to the Board for approval.

(*d*) Any candidate who feels that he is not being treated fairly is always at liberty to represent his case to the Board. The right of interrogation in this House would seem to afford a further check.

UNEMPLOYMENT OF MEN WHO PASSED THE STAFF SELECTION BOARD'S EXAMINATION IN 1920.

2248. *Sardar V. N. Mutalik : Is it a fact that several men who passed the Staff Selection Board's examination in the first division since 1920

are still unemployed ? If so, why was it necessary to hold another examination recently ?

The Honourable Sir Alexander Muddiman : Sixteen men who passed the Staff Selection Board's examination for the first division since 1920 are still unemployed. Seventeen others, who passed for the first division, are employed in second division posts. In the examination held recently no outside candidates were examined for the first division. The examination was confined in the case of outsiders to candidates for posts of stenographers and typists, as the number on the waiting lists for posts of that nature was small.

CLAIMS OF RETRENCHED PERSONS FOR PERMANENT VACANCIES IN THE SECRETARIAT.

2249. ***Sardar V. N. Mutalik :** Is it a fact that Government promised to consider the claims of retrenched persons for permanent vacancies in the Secretariat and a common roster of all retrenched persons was prepared for the purpose by the Staff Selection Board arranged in accordance with their length of service ? If so, will Government kindly say whether this principle was observed and men selected from this list in filling up leave reserve vacancies ? If not, why not ? On what principle were the appointments filled up ?

The Honourable Sir Alexander Muddiman : Government made no such promise, but they charged the Staff Selection Board with the task of finding employment where possible for such retrenched personnel both permanent and temporary. A roster was, I understand, prepared by the Staff Selection Board and my information is that all persons who were on the roster have been duly provided for with the exception of 5 men belonging to the late Finger Print Bureau whom it has been difficult to place in permanent posts owing to their lack of qualifications. These five are employed in temporary posts.

Sardar V. N. Mutalik : What exactly is meant by "lack of qualifications" ?

The Honourable Sir Alexander Muddiman : "Lack of qualifications" ? The term appears clear.

IRREGULARITIES COMMITTED BY A PROVISIONAL ASSISTANT SECRETARY IN THE COMMERCE DEPARTMENT.

2250. ***Sardar V. N. Mutalik :** Is it a fact that an Assistant Secretary to the Government of India in the Commerce Department has been found guilty of misappropriation of funds ? If so, will Government kindly state what action has been taken against him ?

The Honourable Sir Charles Innes : It is a fact that a clerk in the Commerce Department, who had been appointed provisional Assistant Secretary, irregularly authorised the payment of advances to himself. These advances were afterwards refunded in full.

He has been reverted to his substantive grade as First Division clerk.

Mr. K. Ahmed : What about the money that he misappropriated ? Is there any chance of its recovery ?

The Honourable Sir Charles Innes : If the Honourable Member had listened to what I said, he would have heard that these advances had already been repaid in full.

DUTIES OF FIRST, SECOND AND THIRD DIVISION MEN IN THE GOVERNMENT OF INDIA SECRETARIAT.

2251. *Sardar V. N. Mutalik: (*a*) Are there any prescribed duties for the men employed in the first division of the Secretariat as distinct from those employed in the second division? If so, will Government kindly name the duties set apart for each of these two classes?

(*b*) For whom (first, 2nd, or third division men) are the following class of duties meant:

Diarising, recording, indexing, attending telephone calls or taking down telephonic messages, cutting and pasting of correction slips in rules, codes, etc., keeping of registers of documents, filling in names in visitors' cards, selling of stationery articles.

(*c*) What is meant by the term "Routine duties" in the Secretariat and what class of duties fall under it?

(*d*) Is it a fact that these duties are performed in some Departments by the first division men, in some Departments by second division men and in some by third division men? If so, will Government kindly explain the cause of this anomaly?

The Honourable Sir Alexander Muddiman: (*a*) The nature of the duties of first division clerks cannot be clearly distinguished from that of the duties of second division clerks. Clerks of both divisions note and draft on cases, but the more important and more difficult cases are entrusted to clerks of the first division, while clerks of the second division note and draft on simple cases besides doing other work such as diarising, indexing and recording.

(*b*) Diarising, indexing and recording are, as I have just said, ordinarily done by clerks of the second division while the other duties mentioned in the question are performed by third division clerks.

(*c*) The term "Routine duties" has never been defined, but these include such works as typing, despatching, arrangement of material for despatch to the Press and examination of proofs received from the Press, coding and decoding of non-confidential telegrams, receipt and despatch of telephonic messages and statistical work.

(*d*) I am not aware that first and second division clerks are employed on any of these routine duties, but the distribution of work in each Department is a departmental concern and I have no reason to doubt that each Department is employing its staff in a suitable manner.

ACCIDENTS ON RAILWAYS.

2252. *Mr. Kamini Kumar Chanda: Will the Government publish a list of Railway accidents in 1921-24 attended with loss of life, or injuries to the persons, of (*a*) passengers and (*b*) railway employees—stating in each case the cause or causes of the accident and action taken to prevent a recurrence of the same? Was any compensation given in any case either by order of the court or out of court?

Mr. A. A. L. Parsons: All the information available will be given in Appendix C of volume II of the Report of the Railway Board on Indian Railways for 1923-24, which will shortly be issued.

SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS.

2253. *Mr. Kamini Kumar Chanda: (*a*) Have reports of any Local Governments containing schemes of separation of judicial and executive functions been received ?

(*b*) Will the Government be pleased to publish them ?

(*c*) What action does Government propose to take about the matter and when ?

The Honourable Sir Alexander Muddiman: (*a*) Reports from Bengal, Bihar and Orissa, the United Provinces and Madras have been received.

(*b*) The Government of India do not propose to publish them at present.

(*c*) The final views of the Government of Madras have just been received, and the schemes will now be considered by the Government of India.

RECRUITMENT OF DISTRICT JUDGES.

2254. *Mr. Kamini Kumar Chanda : (*a*) Is it a fact that the Islington report recommended that in future one-third of the District Judges should be recruited from the I. C. S., another third from the Provincial Judicial Service and the balance from the Bar ?

(*b*) Are Government in a position to state whether this recommendation has been given effect to ?

The Honourable Sir Alexander Muddiman : The reply to (*a*) is in the negative and (*b*) therefore does not arise.

DESTRUCTION OF WILD ANIMALS AND SNAKES.

2255. *Mr. Jamnadas M. Mehta : (*a*) Is there a system in force in India of rewarding by cash payments those who destroy wild animals and snakes ?

(*b*) Is it true that an amount of nearly ten lakhs of rupees was paid as such rewards during five years ending on 31st December 1923 ?

(*c*) Is it a fact that in spite of these rewards the number of deaths in all the Provinces of India including Burma increased in the case of wild animals by 40 per cent. in 1923 over the figures of 1919 and in the case of wild animals and snakes together by nearly three per cent. during the same period ?

(*d*) Do Government contemplate adopting other measures than rewards for reducing the number of these deaths, *e.g.*, by issuing more licenses for fire-arms to the public ?

The Honourable Sir Alexander Muddiman : (*a*), (*b*) and (*c*). Yes. The Honourable Member is referred to the Home Department Resolution No. F.-4|2|24, dated the 26th July 1924, which was published in the supplement to the Gazette of India of the 2nd August 1924.

(*d*) The issue of licenses for fire-arms to be used as a protection against wild animals is regulated by the local authorities. No fee is charged for such licenses and the Government of India do not consider that any orders on the lines suggested are necessary.

COMPENSATORY ALLOWANCES TO DIVISIONAL ACCOUNTANTS OF THE PUBLIC WORKS DEPARTMENT.

2256. *Mr. **Harchandrai Vishindas** : Will Government be pleased to state whether they propose to grant compensatory allowance to divisional accountants of the P. W. D. pending revision of their scale of pay ?

The Honourable Sir Basil Blackett : The Auditor General states that he will submit proposals for the revision of the pay of divisional accountants in the near future.

TRAVELLING ALLOWANCE OF DIVISIONAL ACCOUNTANTS OF THE PUBLIC WORKS DEPARTMENT.

2257. *Mr. **Harchandrai Vishindas**: (*a*) Is it a fact that the status of divisional accountants of the P. W. D. *qua* accounts is on a par with that of the sub-divisional officers *qua* works ?

(*b*) If so do Government propose to equalise the travelling allowance of the two branches ?

(*c*) Is it true that the allowance of the sub-divisional officers has been raised from Rs. 30 to 75 per mensem while that of the accountants has remained stationary, *i.e.*, Rs. 20 for Rs. 80 to 130 salaries, Rs. 10 for Rs. 140 salaries and *nil* for Rs. 150 and upwards salaries ?

The Honourable Sir Basil Blackett : (*a*) Yes.

(*b*) The responsibility of the divisional accountant in respect of accounts is analogous to that of that sub-divisional officer in respect of works. But this does not imply that the divisional accountant is of the same status as the sub-divisional officer, or should be granted the same scale of pay and allowances.

(*c*) Sub-divisional officers ordinarily draw no allowance ; such an allowance is only granted when it is necessary to employ an officer of the subordinate service in sub-divisional charge. The amount of the allowance to be granted in such a case rests entirely with the Local Government concerned.

The reply to the second part of the question is in the affirmative.

RAILWAY DISASTER NEAR HARAPPA ON THE NORTH WESTERN RAILWAY.

2258. *Mr. **Harchandrai Vishindas**: (*a*) Has the attention of Government been drawn to the heavy loss of life caused by the collision between trains near Harappa on the N. W. Railway on the morning of the 29th August last ?

(*b*) If so, do Government propose to adopt any measures to prevent such disasters in the future such as the provision of front searchlights or other mechanical devices ?

Mr. A. A. L. Parsons : The Honourable Member is referred to the reply given in this Assembly on 10th September, 1924, to Diwan Bahadur M. Ramachandra Rao's question.

SHORTAGE OF LICENSED COOLIES AT KARACHI CITY STATION ON THE NORTH-WESTERN RAILWAY.

2259. *Mr. **Harchandrai Vishindas** : Has the attention of Government been drawn to the complaints regarding the shortage of licensed

coolies at the Karachi City station resulting in considerable waste of time and inconvenience to the railway passengers ? If so do Government intend to take steps to obviate such loss and inconvenience ?

Mr. A. A. L. Parsons : No, but a copy of this question and answer will be sent to the Agent, who will doubtless discuss the matter with his Local Advisory Committee.

WORKING HOURS, INCREASE OF LEAVE RESERVE, ALLOWANCES, ETC., OF POSTAL EMPLOYEES.

2260. ***Mr. Amar Nath Dutt :** (*a*) With reference to the Honourable Mr. A. C. Chatterjee's reply to question No. 201 given on the 15th March 1924, will the Government be pleased to state, of the 24 items of the Joint R. M. S. conference out of which 3 were accepted, which 7 were not accepted by the Deputy Postmasters-General and which 4 were rejected by the Director-General ? Were the Deputy Postmasters-General unanimous in not accepting each of the 7 items ? What were the reasons for the refusal of the 4 items by the Director-General ?

(*b*) Will the Government please state what action has since been taken on the 10 items that were under consideration when the Honourable Member gave his reply ?

(*c*) In view of the improved financial condition do the Government propose now to accept items (*a*), (*b*), (*d*), (*e*), (*f*), (*g*) and (*h*) ? Has the Director-General submitted any proposal for the consideration of Government with reference to item (*k*) ? If not, do Government propose to direct the Director-General to do so ?

The Honourable Mr. A. C. Chatterjee : The answer is rather lengthy and with the Honourable Member's permission I will lay it on the table.

(*a*) Nos. VI, XIII and XVI were accepted by the Deputy Postmasters-General.

Nos. I, V, VII, VIII, XVIII, XXI and XXII were not accepted by the Deputy Postmasters-General ; and Nos. III, IX, X and XX were rejected by the Director-General.

As regards recommendations Nos. V, VII, XXI and XXII, the Deputy Postmasters-General were unanimous. As regards recommendations Nos. I, VIII and XVIII opinion was divided.

Both on administrative and financial grounds the four recommendations were rejected by the Director-General.

(*b*) Of the ten items that have been under consideration—

four have been accepted,

two have been rejected, and

four are still under consideration.

(*c*) The Honourable Member is under a misunderstanding as to the actual financial position of the Post and Telegraph Department. In this connection his attention is drawn to the reply given by the Government to Mr. Joshi's starred question No. 2223 on 19th September 1924.

As regards items A, B, D, E, F, G, H—the Honourable Member's attention is invited to the reply given by Government to Mr. K. C. Neogy's question No. 14 on 15th March 1924.

As regards item K, the matter is still under the consideration of the Director-General.

ABSENTEES IN THE R. M. S. AND IN CERTAIN POST OFFICES.

2261. *Mr. Amar Nath Dutt : Will the Government please furnish the information asked for in Mr. K. K. Chanda's question No. 424, which Mr. G. R. Clarke in reply said was being collected ?

Mr. H. A. Sams : A statement containing the information, which was duly supplied to Mr. K. K. Chanda in Mr. Clarke's letter dated the 12th April 1924, is laid on the table.

Establishment.	Total Staff.	Average daily number of absentees during the quarter ending January 1924.	Percentage of the number of absentees to the total staff.
Calcutta General Post Office and its town sub-offices.	1,106	212	19·17
Calcutta Sorting Division	377	85	22·55
Jalpaiguri Division	99	22	22·23
Rangoon head office and its town sub-offices	345	70	20·3
Burma Mofussil post offices	740	135	18.2
Burma Railway Mail Service	93	24	25·8
Lahore head office and its town sub-offices	207	29	14
Bombay General Post office and its town sub-offices.	1,188	187	15·74
Foreign Mail Division, Railway Mail Service	105	18	17
Madras General Post Office and its town sub-offices.	437	63	14·42
Railway Mail Service, Eastern Circle ..	1,051	212	20·17
Railway Mail Service, Northern Circle ..	1,094	192	17·55
Railway Mail Service, Western Circle ..	1,266	222	17·54

LEAVE RESERVE OF THE RAILWAY MAIL SERVICE.

2262. *Mr. Amar Nath Dutt : Does not the number of absentees in the R. M. S. exceed the number of leave reserve, and does not this compel double duty being done by sorters ? Will Government please consider the question of increasing the leave reserve as recommended by the Joint R. M. S. Conference ?

The Honourable Mr. A. C. Chatterjee : Except in Burma the number of absentees does not normally exceed the leave reserve, but when it does, double duty has to be performed. The whole question is being considered by the Director General and his recommendations will be considered by Government as soon as they are received.

CENSORING OF CORRESPONDENCE OF PRIVATE PERSONS BY THE POLICE.

2263. *Mr. Amar Nath Dutt : (*a*) Will the Government be pleased to state whether a registered book post packet sent on the 25th August, 1924 by the General Secretary of the E. B. Railway Indian Employees' Association, Kurigram, addressed to Babu Mukunda Lall Sircar, 72, Canning Street, Calcutta, was delayed in delivery, as the packet was first delivered to the Deputy Inspector General of Police, Intelligence Branch, 13, Elysium Row, Calcutta, who then returned it for delivery to the addressee ?

(*b*) Will the Government be pleased to state whether the postal authorities are empowered to deliver any packet to people other than the addressee ?

(*c*) If the answer to (*a*) be in the negative then will the Government be pleased to state if there is any such order by the Government on the Postal Department to send packets to the C. I. D. before being delivered to the addressee and if there is any such order will the Government be pleased to state the reasons for the same ?

The Honourable Mr. A. C. Chatterjee : The Honourable Member's attention is invited to section 26 (1) of the Indian Post Office Act, 1898, as amended by Act XIV of 1922. Government are not prepared to make any further statement.

Mr. Chaman Lall : Will the Honourable Member inform the House whether the correspondence of any Members of this Assembly is being so treated by the C. I. D. ?

The Honourable Mr. A. C. Chatterjee : I am unable to make any statement.

Mr. Amar Nath Dutt : Will the Honourable Member kindly state whether the addressee is a political suspect ?

The Honourable Mr. A. C. Chatterjee : I do not know.

Mr. Chaman Lall : Will the Honourable Member have inquiries made ?

The Honourable Mr. A. C. Chatterjee : No.

Mr. Chaman Lall : Is it against public policy ?

The Honourable Mr. A. C. Chatterjee : It is against the public interest.

Mr. Chaman Lall : Is the Honourable Member aware of the fact that the Home Member gave an undertaking in this House that he would look into this matter if his attention is drawn to it ?

The Honourable Mr. A. C. Chatterjee : I am not aware of it.

The Honourable Sir Alexander Muddiman : Most certainly I did; but nothing was brought to my notice.

Mr. Chaman Lall : May I, Sir, with your permission put one more question ? Is the Honourable Member aware that I put a similar question in the last session and a similar undertaking was given ?

The Honourable Sir Alexander Muddiman : I have already told the Honourable Member that I gave the undertaking ; but nothing was brought to my notice.

Mr. N. M. Joshi : May I ask, Sir, whether people who are thus wronged by Government have any chance of getting any redress if the Honourable Member will not make any inquiry of the sort mentioned in the question here ? What is the method of getting redress in this matter ? Will not the Honourable Member give an answer, Sir ? There is a specific question here whether the correspondence of a particular person was not sent to the police. I want the Honourable gentleman to answer me whether he will not inquire about the case of this correspondence being taken to the police, and if after inquiry it is found that this gentleman is not a suspect that there is no reason to suspect his *bona fides*, why should his correspondence be sent to the police first ?

The Honourable Mr. A. C. Chatterjee : I have referred the Honourable Member to a provision of the law and I am not prepared to make any further statement.

Mr. N. M. Joshi : May I ask, Sir, whether it is right that Government should take away the letters of many people without any cause and send them to the police ?

The Honourable Sir Alexander Muddiman : Certainly not, Sir ; the Honourable Member assumes facts which do not exist.

Mr. N. M. Joshi : I want the Government to inquire into the facts of this case.

Mr. Amar Nath Dutt : May I ask, Sir, where there is a case of litigation between a private gentleman and the Government, will Government open packets and letters sent to his legal advisers ?

Mr. President : That strikes me as hypothetical.

Mr. N. M. Joshi : Am I to understand that Government will not have any inquiries made into such cases of letters being sent to the police without any cause ?

The Honourable Sir Alexander Muddiman : I do not admit that letters are ever sent to the police without any cause.

Mr. N. M. Joshi : I therefore want the Government to inquire into the facts of this case.

The Honourable Sir Alexander Muddiman : I know nothing about it.

Dewan Bahadur T. Rangachariar : What guarantee is there that this provision of the law is not misused or abused ? What steps do the Government of India take to inform themselves ?

The Honourable Sir Alexander Muddiman : I have no reason whatever to suppose that it is misused or abused.

Mr. Chaman Lall : Will the Honourable Member inform the House whether in any case where correspondence was so sent the Government of India issued any instructions to that effect or not ?

The Honourable Mr. A. C. Chatterjee : The power rests with the Local Governments.

Mr. Chaman Lall : Is the Honourable Member aware that in several cases the Local Government does not authorise it and it is done on the initiative of the C. I. D. ?

The Honourable Mr. A. C. Chatterjee : I deny that statement, Sir.

SUPPLY OF FILTERED WATER TO THE RAILWAY EMPLOYEES AT PAKSEY ON THE EASTERN BENGAL RAILWAY.

2264.***Mr. Amar Nath Dutt :** (*a*) Has the attention of the Government been drawn to a paragraph in a Bengali Fortnightly named "Marmabani" of the 16th September, 1923 complaining about the supply of filtered water to the railway employees at Paksey on the E. B. Railway ?

(*b*) Is it a fact that two different kinds of water are supplied to European and Indian employees at Paksey and is it also a fact that the Indian employees do not get good water even for drinking while the European employees get a sufficient quantity of good water not only for drinking but also for the swimming bath and flushing of drains ?

(*c*) If the answer to (*a*) be in the affirmative will the Government be pleased to state the reasons for such racial discrimination in the matter of supply of water and do the Government propose to put a stop to it ?

Mr. A. A. L. Parsons: (*a*) Government have not seen the paragraph referred to.

(*b*) and (*c*). Government have no information but a copy of the question will be furnished to the Agent, Eastern Bengal Railway.

Mr. Amar Nath Dutt : I can hand the Honourable Member an issue of the paper—it is in Bengali.

Mr. A. A. L. Parsons : I shall be delighted to read it at leisure, Sir.

DECLARATION OF THE SERVICE OF THE MINISTERIAL STAFF OF THE RAILWAY DEPARTMENT AS RAILWAY SERVICE.

2265. *Khan Bahadur Sarfaraz Hussain Khan : (*a*) Will the Government be pleased to state if they have passed orders declaring the service of the ministerial staff of the Railway Department as " Railway Service," quite distinct from Secretariat Service ?

(*b*) If so, will they please lay a copy of the orders on the table ?

Mr. A. A. L. Parsons : The Honourable Member is referred to the reply given to starred question No. 570 (Part 2) in the Legislative Assembly on the 17th March 1923.

WORK OF THE MINISTERIAL STAFF OF THE RAILWAY DEPARTMENT.

2266. *Khan Bahadur Sarfaraz Hussain Khan : (*a*) Is there any difference between the nature of the work done by the ministerial staff of the Railway Department and that of the other Departments of the Government of India Secretariat ?

(*b*) If so, will the Government please state what it is ?

Mr. A. A. L. Parsons : (*a*) and (*b*). Yes, in so far as the staff deal with railway subjects which are of a technical nature.

CLASSIFICATION OF DISTRIBUTORS IN GOVERNMENT PRESSES AND RECORD SUPPLIERS IN THE MILITARY ACCOUNTS OFFICES AS SUPERIOR SERVANTS.

2267. *Khan Bahadur Sarfaraz Hussain Khan : (*a*) Is it a fact that distributors employed in the Government of India Presses in Calcutta, Delhi and Simla, the Foreign and Political Department Press and the Press of the Private Secretary to His Excellency the Viceroy and record suppliers in the Military Accounts offices have now been classed as " Superior Servants " ?

(*b*) Is it a fact that the record sorters of the Government of India Secretariat are classed as " Inferior Servants " ?

(*c*) If the facts stated in (*a*) and (*b*) are correct, will the Government please state if there is any difference between the nature of work of those who are classed as " Superior Servants " and those who are classed as " Inferior Servants " ; and if so, what is it ?

The Honourable Sir Alexander Muddiman : (*a*) The Foreign and Political Department press no longer exists. Distributors employed in the

other presses mentioned whose monthly earnings exceed Rs. 15 have been classed as superior servants. Record suppliers in the Military Accounts offices have also been classed as such.

(*b*) Yes.

(*c*) Yes. Distributors are technical workers and require a fair amount of technical skill. The duties of record sorters in the Government of India Secretariat are mainly mechanical and require a very low standard of literacy. The duties of record suppliers in the Military Accounts Department differ from those of these record sorters in being more of a clerical nature.

Diwan Bahadur T. Rangachariar : Will the Government consider the desirability of dropping these distinctions unless it is absolutely necessary. All labour is honourable, whether in the superior service or in the inferior service.

The Honourable Sir Alexander Muddiman : Does the Honourable Member merely require a change in terminology ?

Diwan Bahadur T. Rangachariar : Yes.

The Honourable Sir Alexander Muddiman : Certainly, I will consider it.

Khan Bahadur Sarfaraz Hussain Khan : May I draw the attention of the Government to the circular of 1915 in which Government themselves admitted that the status of these men was much superior to the menial service ? Are the Government prepared to regard the sorters under the title of superior service ?

PAY OF POSTMEN AND POSTAL CLERKS IN THE BOMBAY CIRCLE.

2268. ***Mr. N. M. Joshi** : (*a*) Will Government be pleased to state whether it is a fact that in 1900 and before that time in the Bombay Circle of the Postal Department the postmen used to be given the same pay as their maximum which the postal clerks used to get as their minimum ? If so, was it the practice of the Postal Department to maintain these two scales in that proportion ?

(*b*) If the answer to (*a*) above be in the affirmative, will Government be pleased to state whether the same proportion in the scales of the postmen and the postal clerks has still been maintained ? If not, has it been increased or decreased ? If the latter, why so ?

Mr. H. A Sams : (*a*) The rates of pay for postmen have never been fixed with reference to the pay for clerks and, if at any time the maximum pay of the former has been equal to the minimum pay of the latter, the position has been fortuitous.

(*b*) Does not arise.

INCREASE OF PAY OF POSTMEN.

2269. ***Mr. N. M. Joshi** : (*a*) Will Government be pleased to state whether they are aware that the postmen prefer a net increase in their pay without any allowance to less pay and some allowances which they get at present ? If so, will they consider the possibility of discontinuing all the present allowances and giving them adequate increase in their salaries ? If not, why not ?

(*b*) If the reply to the earlier part of (*a*) above be in the negative, are Government prepared to take steps to ascertain what the views of the postmen are in the matter ? If not, why not ?

The Honourable Mr. A. C. Chatterjee : (*a*) The answer to the first part of the question is in the negative. The other parts do not arise.

(*b*) As I am not aware of any grievance, I see no reason for starting an inquiry of my own motion.

REVISION OF PAY OF POSTAL RUNNERS IN THE BOMBAY CIRCLE.

2270. **Mr. N. M. Joshi** : Will Government be pleased to state whether any increase in pay has been given to the postal " runners " in the Bombay Circle since the war ? If so, when was it given and what was the percentage of the increase ? If not, will they take immediate steps to give them the increase ? If not, why not ?

Mr. H. A. Sams : The pay of postal runners in the Bombay Circle was revised from the 1st March 1916 and the 1st March 1918, with the result that their minimum pay is now 100 per cent. and their maximum pay 43 per cent. higher than it was before the war.

GRANT OF RELIEF TO POSTAL RUNNERS.

2271. ***Mr. N. M. Joshi** : Will Government be pleased to state whether it is a fact that the Postal Inquiry Committee of 1920 did not consider the question of giving relief to the postal " runners " ?

Mr. H. A. Sams : It is not a fact.

LEAVE RESERVE FOR POSTMEN AND MENIALS IN THE BOMBAY CIRCLE.

2272. ***Mr. N. M. Joshi** : (*a*) Will Government be pleased to state whether it is a fact that in the Bombay Circle no reserve staff has been maintained in the mofussil for postmen and menials who go on casual leave ? If so, why ?

(*b*) If the reply to (*a*) above be in the affirmative, do Government propose to consider the advisability of appointing some reserve staff for postmen and menials in the mofussil and devising some method by which it can be made available to the particular place to which it is required ?

Mr. H. A. Sams : (*a*) Yes, because it is an accepted general principle that the grant of casual leave shall involve no extra expense to Government.

(*b*) For this reason Government are unable to accept the suggestion.

GRANT OF LEAVE PRIVILEGES TO POSTAL MENIALS IN THE BOMBAY CIRCLE.

2273. ***Mr. N. M. Joshi** : Will Government be pleased to state whether in the Bombay Circle any reserve staff has been maintained in the mofussil for giving more leave privileges to the menials of the Postal Department ? If so, what is their percentage to the total number of menials ?

Mr. H. A. Sams : The reply is in the negative.

RAILWAY CONCESSION FARES TO STUDENTS OF NATIONAL SCHOOLS.

2274. *Mr. N. M. Joshi: (*a*) Will Government be pleased to state whether, in the Bombay Circle any reserve staff has been maintained in February last to give concession in season ticket fares to the students of the National schools on the ground that their rules did not admit of this concession being granted to the students attending schools not recognised by Government?

(*b*) If the answer to (*a*) above be in the affirmative, are Government prepared to advise the Railway Administrations in India to so change their rules as to admit the concessions in season ticket fares being given to all the students attending any public school irrespective of its being recognised by Government or not? If not, why not?

Mr. A. A. L. Parsons: (*a*) and (*b*). The Honourable Member is referred to the reply given in this Assembly on 15th September 1924 to question No. 1904.

REPRESENTATION OF PASSENGERS' ASSOCIATIONS ON THE LOCAL ADVISORY COUNCILS OF RAILWAYS.

2275. *Mr. N. M. Joshi: (*a*) Will Government be pleased to state whether they are aware of the existence of associations in Bombay, Madras, Calcutta and Karachi, representing the railway passengers? If so, have any of these associations been given any representation on the Local Advisory Boards or Councils?

(*b*) If the answer to the latter portion of (*a*) above be in the affirmative, will Government be pleased to give a list of Railways and Local Advisory Councils which have given such representation to the Passengers' Associations and a list of those associations to which such representation is given?

(*c*) If the answer to the latter portion of (*a*) above be in the negative are Government prepared to take steps to see that such Passengers' Associations which represent the railway passengers, wherever they exist, are given representation on the Local Advisory Councils of Railways? If not, why not?

Mr. A. A. L. Parsons: The Honourable Member is referred to the reply given in this Assembly on 3rd September 1924 to Mr. Bhubanananda Das' question No. 1619.

CONSTITUTION OF LOCAL ADVISORY COMMITTEES OF VARIOUS RAILWAYS.

2276. *Mr. N. M. Joshi: Will Government be pleased to place on the table a copy of the constitutions and rules of the various Local Advisory Committees set up in connection with the various Railways in India?

Mr. A. A. L. Parsons: The Honourable Member is referred to the reply given in this Assembly on 2nd June 1924 to Mr. N. C. Kelkar's question No. 1192.

WITHDRAWAL OF OFFICIAL RECOGNITION OF THE OUDH AND ROHILKHAND RAILWAY UNION.

2277. *Mr. N. M. Joshi: Will Government be pleased to state the reason why the official recognition of the Oudh and Rohilkhand Railway Union has been withdrawn by the railway authorities?

Mr. A. A. L. Parsons : The recognition was withdrawn as the character and general tone of the official organ of the Union was calculated to impair the relations between the Administration and the staff, and generally to undermine the authority of the Administration.

GRIEVANCES OF THE BENGAL AND NORTH WESTERN RAILWAYMEN'S ASSOCIATION.

2278. ***Mr. N. M. Joshi :** (*a*) Will Government be pleased to state whether their attention has been drawn to the resolutions passed by the workmen of the B. and N. W. Railwaymen's Association in their mass meeting held at Gorakhpur on the 22nd June 1924 and which have been forwarded to the Agent of the Railway Company and the Railway Board ?

(*b*) If the answer to (*a*) above be in the affirmative, will Government be pleased to state whether they have inquired into the allegations made in resolution No. 1 in respect of the compulsion being put upon the men in the railway workshops in the matter of making them members of the Welfare Committees which (compulsion) had at times gone to the length of threatening loss of service on the part of the workmen if they did not join the Welfare Committees ? If so, what steps, if any, have Government taken to stop this practice of compulsion ?

(*c*) If the answer to (*a*) above be in the affirmative, will Government kindly state whether they have inquired into the grievances mentioned in resolutions Nos. 2, 3 and 4, and what steps they have so far taken to remove them with special reference to the complaint of insufficient and inadequate supply of drinking water ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) Yes, and Government have the Agent's assurance that no one has been dismissed for having refused to be a member of the Welfare Committees.

(*c*) No. The representations related mainly to matters of domestic administration of the Company's staff with which Government do not interfere.

WELFARE COMMITTEES ON THE BENGAL AND NORTH-WESTERN RAILWAY.

2279. ***Mr. N. M. Joshi :** (*a*) Will Government be pleased to state whether the Agent of the Bengal and North Western Railway sends replies to the representations made by the B. and N. W. Railwaymen's Association which has its headquarters at Gorakhpur ? If not, why not ? If the Government have no information about this matter, will they kindly inquire ?

(*b*) Will they also state whether there are any Joint or Welfare Committees set up on the B. and N. W. Railway to consider the grievances of the employees ?

(*c*) If the answer to (*b*) above be in the affirmative, will Government be further pleased to state how these Committees are constituted, how many they are, how many meetings each has so far held and what grievances they have so far considered and redressed ?

Mr. A. A. L. Parsons : (*a*) Government have no information nor do they propose to call for it. Government do not interfere in matters relating to the administration of the Company's staff.

(*b*) and (*c*). So far as Government are aware, the Agent, B. & N. W. Railway, has formed District Committees as a medium of communication between the Company and its staff. They have no information beyond this and it is not a matter in which they are prepared to interfere.

Mr. N. M. Joshi : May I ask, Sir, whether the recognition of an Employees' Association is such a small detail that the Railway Board should not interfere at all ?

Mr. A. A. L. Parsons : I did not say it was a small detail, Sir. I said we did not generally interfere in matters of this kind, especially on a Railway like the Bengal and North Western, which is a purely Company Railway.

Mr. N. M. Joshi : May I ask, Sir, even if the Bengal and North Western Railway is a Company Railway, why the Railway Board should not make inquiry into this case and set up a proper machinery to adjust the relations between the employers and employees of the Railway ?

Mr. A. A. L. Parsons : Because we see no reason why we should make an inquiry. The Agent of the Railway has our full confidence and we do not distrust his action.

Mr. N. M. Joshi : Sir, if the Agent of the Railway has the full confidence of the Railway Board and they are not going to interfere in this business, why should the tax-payer's money be spent on the Railway Board at all ? May I get a reply to this ?

The Honourable Sir Charles Innes : The Honourable Member knows perfectly well that the Government of India have just circulated two letters for public opinion regarding (*a*) trades unions and (*b*) trade disputes. I suggest that he leave the matter in its present position until we have considered the replies given to those two circular letters.

ALLEGATIONS IN THE "WEEKLY MAZDOOR" OF LUCKNOW AGAINST RAILWAY ADMINISTRATION.

2280. **Mr. N. M. Joshi** : (*a*) Will Government be pleased to state whether their attention has been drawn to the allegations made in the *Weekly Mazdoor* of Lucknow, dated the 30th April 1924, on pages 3, 4 and 5, under headings "Gleanings into Mr. Naidu's Discharge", "Bogus pay orders and Modern Daniel", and "Preserving the Purity of the Administration", respectively ?

(*b*) If the answer to (*a*) above be in the affirmative, will they be pleased to state whether they have inquired into these allegations brought against the Railway Administration ? If so, were they found to be substantially correct ? If so, what punishment did the Railway authorities mete out to the defaulters and what steps they have now taken to stop such abuses ?

Mr. A. A. L. Parsons : (*a*) and (*b*). The Government have seen these and other articles of the same type in the paper referred to. They have been in correspondence with the Agent on the subject and they understand that the question of what action if any should be taken against the Editor is under consideration.

DISCHARGE OF EMPLOYEES OF THE OUDH AND ROHILKHAND RAILWAY FOR TAKING PART IN THE TRADE UNION MOVEMENT.

2281. *Mr. N. M. Joshi: Will Government be pleased to give the number of men serving on the Oudh and Rohilkhand Railway who were discharged from service in 1923 and 1924 on account of their taking part in the trade union movement and especially in their own O. and R. Railway Union?

Mr. A. A. L. Parsons: No employé has been discharged on the O. and R. Railway specifically for taking part in the trade union movement or by reason of connection with the O. and R. Railway Union during the years 1923 and 1924. One relieving station master was, however, discharged for the grave irregularity of using the service wires for transmission of telegrams in this connection and in view of his unsatisfactory record.

Mr. N. M. Joshi: Does the unsatisfactory record consist in his being a member of the Union?

Mr. A. A. L. Parsons: No, Sir.

ESTABLISHMENT OF A CONCILIATION BOARD ON THE OUDH AND ROHILKHAND RAILWAY.

2282. *Mr. N. M. Joshi: Will Government be pleased to state whether the Oudh and Rohilkhand Railway Union had requested the Agent of that Ry. Company to set up a Conciliation Board for the settlement of disputes between the Company and the railway servants and of the former's grievances? If so, was such a Board set up? If not, why not?

Mr. A. A. L. Parsons: The Union suggested in April last that a Conciliation Board should be formed, but no action was taken. The dispute was not such as could suitably be referred to a Conciliation Board.

PROVISION BY THE MADRAS AND SOUTHERN MAHRATTA RAILWAY OF SCHOOLS FOR THE CHILDREN OF THE INDIAN EMPLOYEES.

2283. *Mr. N. M. Joshi: (*a*) Will Government be pleased to state whether they have received in April last a representation from the M. S. M. Railway employees containing their grievances for redress? If so, have they or the authorities of the M. S. M. Ry. considered them?

(*b*) If the answer to the latter portion of (*a*) above be in the affirmative, will they be further pleased to state to what extent they have decided to redress these grievances?

(*c*) Will Government be pleased to state whether it is a fact that the M. S. M. Railway Company has provided schools only for the children of its Anglo-Indian servants and that there is no school provided by it for the children of its Indian servants? If so, why this is so?

(*d*) If the answer to (*a*) above be in the affirmative, do Government intend to recommend to the authorities of the M. S. M. Ry. to take immediate steps to start some schools for the children of their Indian servants?

Mr. A. A. L. Parsons: (*a*) and (*b*). The representation was to the Agent but unsigned copies were sent to the Railway Board for information.

(*c*) No, according to the latest information received the Madras and Southern Mahratta Railway have provided 5 schools for the children of Indian employees on their system.

(*d*) Does not arise, but the Honourable Member may like to know that the Railway Board are considering the whole question of the assistance given by railways towards the education of their employees' children.

PROVISION OF PERMANENT APPOINTMENTS FOR MEN RETRENCHED IN THE GOVERNMENT OF INDIA SECRETARIAT AND ATTACHED OFFICES.

2284. ***Lala Duni Chand** : Will the Government be pleased to place on the table of the House a statement showing :

(*a*) The number of permanent men (excluding those who have been compulsorily retired or given gratuity) dispensed with under the recommendation of the Inchcape Committee in the Government of India and attached offices ?

(*b*) The number of such men as have been permanently provided for elsewhere ?

(*c*) If the number of vacancies be greater than the number of persons dispensed with as under (*a*) above, will the Government be pleased to state why preference was not given to these men ?

The Honourable Sir Alexander Muddiman : (*a*) The Honourable Member is referred to the reply given by Mr. Gwynne to Sir D. P. Sarvadhikary's question No. 142 on 9th July 1923.

(*b*) All the permanent men whose posts were retrenched, other than those who were retired, have been employed in permanent posts with the exception of five men belonging to the Finger Print Bureau whom it has been difficult to place in permanent posts owing to their lack of qualifications. These five men are employed in temporary posts.

(*c*) Does not arise.

Lala Duni Chand : Is it not a fact that there are yet about twenty-five persons who have been retrenched but have not been provided for ?

The Honourable Sir Alexander Muddiman : The Honourable Member has not listened to my answer.

AMENDMENT OF THE INDIAN NEGOTIABLE INSTRUMENTS ACT, 1881.

2285. ***Lala Duni Chand** : (*a*) Are the Government aware that the English Bills of Exchange Act is materially different in several respects from the Indian Negotiable Instruments Act ?

(*b*) Is it fact that some of the provisions of the English Bills of Exchange Act, are as a matter of practice and usage, generally followed by the Indian banks ?

(*c*) If the replies to (*a*) and (*b*) be wholly or partly in the affirmative, are the Government prepared to undertake legislation with a view to bring the Indian Negotiable Instruments Act into line with the English Bills of Exchange Act, in so far as the existing and growing state of the Indian banking and trade require ?

The Honourable Sir Charles Innes : (*a*) There are some important differences between the two Acts.

(*b*) The Government are not aware of the practice of Indian Banks in this respect.

(*c*) The question of amending the Indian Act so as to bring it into accord with the English Act is under consideration. A reference has been made to the Local Governments and the High Courts and the former have been asked to forward their views after consultation with the mercantile community.

PAYMENT OF INCOME-TAX BY CHEQUES.

2286. ***Lala Duni Chand** : (*a*) Are Government aware that those persons who have to pay Income-tax into Government Treasuries periodically are subjected to great inconvenience owing to the payments thereof not being accepted in the form of cheques drawn on banks ?

(*b*) Is it also a fact that the payments of the above tax by means of cheques on European banks are invariably accepted while those by means of cheques on the Indian Banks are invariably refused ?

(*d*) Do the Government propose under the circumstances, to issue instructions that the payment of the above tax by means of cheques on recognised banks both Indian and European be accepted, and that in this matter, no distinction be made between Indian and European Banks ?

The Honourable Sir Basil Blackett : At places where the treasury business is conducted by the Imperial Bank, cheques on banks having clearing amounts with the Imperial Bank are accepted. This procedure has been in force since 1920. No distinction is made between Indian and European banks.

ASSESSMENT TO INCOME-TAX OF THE PROFITS OF THE PUNJAB NATIONAL BANK, LTD., LAHORE.

2287. ***Lala Duni Chand** : (*a*) Is it a fact that the Income-tax authorities in the Punjab assessed income-tax in 1923 on the profits of the Punjab National Bank Ltd., Lahore, which were utilized by the bank in bringing to the market rate the Government securities held by it ?

(*b*) If the reply to (*a*) be in the affirmative, are the Government prepared to issue instructions to the Income-tax Authorities in the Punjab that such profits are not assessable to Income-tax, being utilized to cover the depreciation of the Government Securities ?

The Honourable Sir Basil Blackett : (*a*) and (*b*). The Government are not aware of details of the case referred to by the Honourable Member, nor are they prepared to discuss on the floor of this House the details of individual assessments. I would, however, invite the attention of the Honourable Member to the concluding portion of paragraph 42 of the Notes and Instructions in the Income-tax Manual on pages 92 and 92*a*, which lays down the principles governing such cases.

Lala Duni Chand : I may inform the Honourable Member that the sum of Rs. 50,000 is involved.

Mr. President : The Honourable Member may ask a question ; he may not give information at this stage.

INCOME-TAX ON THE PROFITS OF JOINT STOCK COMPANIES.

2288. *Lala Duni Chand : (*a*) Is it a fact that under the Income-tax Act, the income-tax on the profits of registered joint stock companies is levied at a much higher rate than the rate at which the majority of the share-holders are assessed, and the share-holders are left to the inconvenient course of applying for refund of the excess amount ?

(*b*) Is it also a fact that a large number of the share-holders, who are either entitled to the refund of the whole amount of the income-tax, paid by the bank on their dividends, or are entitled to the excess amount fail to apply for the refund, and thus large sums remain with the Government, to which they are not entitled ?

(*c*) If the reply to (*a*) and (*b*) be in the affirmative, do the Government propose to take early steps to remedy the state of affairs, as described above ?

The Honourable Sir Basil Blackett : (*a*) In accordance with Part I of Schedule III of the Indian Finance Act, 1924, income-tax is deducted at the rate of one anna and six pies in the rupee in the case of every company and every registered firm whatever its total income. Under section 48 of the Indian Income-tax Act XI of 1922 the shareholders in the company and the members of the registered firm may claim a refund of the whole or a portion of the tax paid if they are liable to be taxed at a lower rate. The Income-tax Department has strict instructions to facilitate the grant of refunds in every possible way.

(*b*) In view of the certificates issued by companies along with dividend warrants enabling shareholders to obtain a refund of the income-tax, if any is due to them, there is no reason to suppose that any considerable sums remain with the Government to which they are not entitled.

Part (*c*) of the question does not arise.

WORKING HOURS OF STATION MASTERS AND ASSISTANT STATION MASTERS ON THE NORTH WESTERN RAILWAY.

2289. *Lala Duni Chand : (*a*) Is it a fact that owing to the reduction, recently effected in the working staff of the North Western Railway Stations the station masters and the assistant station masters are required to be on Line-Clear duty for 12 hours instead of 4 hours as previously, and besides this are required to do miscellaneous work, which takes 4 to 6 hours, and thus altogether their duty extends over 16 to 18 hours ?

(*b*) If so, do the Government propose to take early steps and devise means to relieve the working-staff from the pressure of over-work ?

Mr. A. A. L. Parsons : (*a*) It has been ascertained that the facts are not as stated.

(*b*) Therefore does not arise.

ALLEGED OUTRAGE ON A WOMAN BY AN EUROPEAN SOLDIER AT JUBBULPORE.

2290. *Mr. Ambika Prasad Sinha : (*a*) Has the attention of the Government been drawn to a report published in the "Amrita Bazar Patrika", dated the 20th August 1924, and headed "Alleged outrage on a woman by an European soldier at Jubbulpore" ?

(*b*) Will the Government be pleased to state the true facts of the occurrences ; and the steps taken in this connection ?

Mr. E. Burdon : (*a*) Government have seen a copy of the article referred to by the Honourable Member.

(*b*) The soldier concerned is being tried by District Court Martial and I shall let the Honourable Member know the result in due course.

The matter being *sub judice* there is nothing further which can be said at present in reply to this part of the question.

GRIEVANCES OF EMPLOYEES ON THE EASTERN BENGAL RAILWAY.

2291. ***Mr. Ambika Prasad Sinha** : (*a*) Has the attention of the Government been drawn to a letter published in the "Amrita Bazar Patrika", dated the 29th August 1924, and headed "Grievances of Railway employees on the Eastern Bengal Railway" ?

(*b*) Are the statements made in the letter, relating to the hard lot of the Indian employees, substantially correct ? And what steps do Government propose to take in the matter ?

Mr. A. A. L. Parsons : (*a*) Government have seen the letter referred to.

(*b*) Government have no information but will draw the Agent's attention to the allegations contained in the letter.

GRANT OF KING'S COMMISSIONS TO CADETS OF THE MILITARY TRAINING SCHOOLS AT INDORE AND WELLINGTON, RESPECTIVELY.

2292. ***Sir P. S. Sivaswamy Aiyer** : Will the Government be pleased to state :

(*a*) The number of Indian cadets who were admitted to the Military Training School at Indore in the year 1918, and the dates on which their training commenced and closed ?

(*b*) How many of these cadets were granted probationary King's Commissions, and whether their commissions were granted on the 1st December 1919 ?

(*c*) Whether these cadets were informed that on their passing their probation satisfactorily, they would be given permanent King's Commissions, not from the date of their probationary appointment but from some subsequent date ?

(*d*) Whether the Indian cadets who were appointed on probation, have all been now granted permanent King's Commissions, and if so, only with effect from the 16th July 1920, and not from 1st December 1919, when their probationary commissions were issued, thus causing them loss of service, and seniority, by a period of 7½ months ?

(*e*) Whether the British cadets whose training at the Wellington Training School commenced in January 1919, were granted permanent King's Commissions with effect from the 29th January 1920 ?

(*f*) Whether the military training undergone by the Wellington cadets in Britain, commenced before the military training of the July batch of the Sandhurst cadets of 1918 ?

(*g*) Whether notwithstanding the fact, that even the British training of the Wellington cadets commenced subsequent to that of the Sandhurst cadets, they were granted permanent King's Commissions with effect from the 29th January 1920, the date of their probationary appointment, in seniority to the Sandhurst cadets of July 1918 by 5½ months ?

(*h*) Whether there is any reason for the apparent inequality of treatment between the Wellington and Indore cadets, and for refusing to grant permanent King's Commission to the Indore cadets with effect from the 1st December 1919 ?

Mr. E. Burdon : As the answer to this question is rather long and unless read with replies previously given to other questions is obscure, with your permission, Sir, I will lay it on the table.

(*a*) 42 Indian cadets were admitted to the Military Training School at Indore in 1918. These cadets commenced their training on the 15th October 1918 and the period of training lasted for 12 months.

(*b*) 39 were granted probationary King's Commissions with effect from the 1st December 1919. 3 failed to qualify.

(*c*) The Government of India have no information on the point.

(*d*) 33 of the Indian cadets who were appointed on probation were subsequently granted King's Commissions with effect from the 17th July 1920. As regards the other 6, one died, 2 were found unsuitable and 3 resigned.

(*e*) The answer is in the affirmative.

(*f*) No. The military training which was undergone by the Wellington cadets in Britain commenced on the 20th September 1918, while that of the July 1918 batch of Sandhurst cadets commenced on the 10th September 1918.

(*g*) The Wellington cadets were not given seniority over all the Sandhurst cadets referred to by the Honourable Member for 70 per cent. of Sandhurst cadets were commissioned with effect from the 17th December 1919 and 30 per cent. were commissioned with effect from the 16th July 1920. The Government of India are not aware of the reasons which led to the extension of the period of training in respect of this 30 per cent. of the July 1918 batch of Sandhurst cadets.

(*h*) The attention of the Honourable Member is invited to the reply given on the 22nd February 1922 to question No. 196.

DATE OF TERMINATION OF THE CONTRACT WITH THE BURMA RAILWAY.

2293 ***Maung Tok Kyi** : (*a*) Will the Government be pleased to state when the existing contract with the Burma Railways Co. will expire ?

(*b*) Is there any intention on the part of the Govt. to take over the Burma Railways, at the termination of the said contract ?

(*c*) What is the capital invested in the Burma Railways by the Government and the Burma Railways Co., respectively ?

Mr. A. A. L. Parsons : (*a*) The earliest date on which the existing contract with the Burma Railways Company can be terminated is the 31st December 1928.

(*b*) The question has not yet been considered.

(*c*) Rs. 19,34,02,713 by Government and Rs. 6,69,66,629 by the Company.

PURCHASE OF RAILWAYS IN BURMA CONSTRUCTED FROM "RICE CONTROL PROFITS."

2294. *Maung Tok Kyi: (*a*) Is it a fact that the Government are negotiating with the Burma Government for the purchase of the lines of railways in Burma constructed from "Rice Control Profits"?

(*b*) If so, will the Government be pleased to state if the terms of purchase have been settled or not?

(*c*) If the answer be in the affirmative, will the Government be pleased to lay the terms on the table?

Mr. A. A. L. Parsons: (*a*) The reply is in the affirmative.

(*b*) and (*c*). The terms of purchase have not yet been settled.

BALANCE OF RICE CONTROL PROFITS IN THE HANDS OF GOVERNMENT.

2295. *Maung Tok Kyi: (*a*) Is there any portion of the "Rice Control Profits" still in the hands of the Government?

(*b*) If there is, will the Government be pleased to state the amount at the end of the financial year 1923-24?

(*c*) Will the Government be also pleased to state if they have ever paid interest on the balance of "Rice Control Profits" in their hands?

The Honourable Sir Basil Blackett: (*a*) and (*b*). Rs. 3,07 lakhs according to the Burma Government's Revised Estimate for 1923-24.

(*c*) Under the existing practice interest is not paid on Provincial Government balances.

REVISION OF THE AJMER MUNICIPALITIES REGULATION.

2296. *Rai Sahib M. Harbilas Sarda: (*a*) Was the Ajmer Municipalities Regulation at present in force in Ajmer-Merwara enacted 40 years ago and has it not been amended since to bring it into line with the Municipal Regulations in force in other parts of India like the United Provinces, Bombay or Bengal?

(*b*) Is it a fact that a new Municipal Regulation for Ajmer-Merwara was framed about 4 years ago but has not yet received the assent of the Governor General in Council? If so, is it likely to come into force before the next municipal elections take place in Ajmer in 1925?

Mr. Denys Bray: (*a*) The Ajmer Municipalities Regulation was introduced in 1886 and has been amended once to bring section 128 into line with the corresponding section of the Punjab Municipal Act.

(*b*) The reply to the first part is in the affirmative. As regards the second part, the revised Regulation will probably come into force before the end of this year.

WOUND, DISABILITY AND FAMILY PENSIONS IN CONNECTION WITH CASUALTIES OCCURRING IN WAZIRISTAN OR ON THE NORTH-WEST FRONTIER.

Colonel J. D. Crawford: With your permission, Sir, I would like to put the question of which I have given private notice.

Will the Government be pleased to state:

(*a*) what is the existing practice regarding the grant of wound, disability and family pensions to officers and men and their

families as the result of casualties occurring in Waziristan or on the North-West Frontier ?

(*b*) what has been the practice in the past ?

Mr. E. Burdon : Sir, the answer to this question also is rather long, but as it relates to a matter which has provoked a considerable amount of interest recently, perhaps the House will permit me to read out the reply.

On the presumption that the Honourable Member's question refers to the Indian Army only, the answer is as follows :—

(*a*) Wound pensions as such have recently been abolished and disability pensions have taken their place. In the case of *British officers of the Indian Army,* the grant of *disability pensions* is governed by the provisions of the revised paragraph 427 *et seq,* P. and A. Regulations, Part II, as published with A. I. (I.) No. 791 of 1924. Disability pensions are granted in respect of all casualties which are attributable to military service, and among such casualties no distinction is made between those which are due to field service and those which are not due to field service.

Family pensions in the case of the above class of officers are granted under paragraph 482, P. and A. Regulations, Part II. No distinction is made between cases in which death is connected with field service and those in which it is not. Higher rates of pension may be granted if an officer's death is due to wounds, injuries or disease directly attributable to the conditions of service.

As regards *Indian officers holding the Viceroy's Commission and Indian ranks,* the *family pension* is the same whether the officer or man is killed on field service or dies from any cause attributable to military service. In the case of *disability pensions* for this class, only 3-4ths of the field service rate is admissible, if the disability is not attributable to service in the field. The question whether casualties arising in Waziristan, in circumstances similar to those encountered on field service, should not be viewed as arising on field service for the purpose of the assessment of disability pensions is at present being considered.

(*b*) The rules which before, during and after the war regulated wound, injury and family pensions admissible to all ranks of the Indian Army have recently undergone a complete revision, and the present position is as described in my answer to part (*a*). Under the pre-existing rules special provision was always made for the grant to Indian officers and other ranks of wound and family pensions in respect of casualties incurred during peace under conditions of service involving exceptional risk such as service in Waziristan. Important changes that the recent rules have introduced are—

(1) wound pensions as such have been abolished, and have been replaced by disability pensions granted under the liberal conditions of eligibility which I have described ; and

(2) a disability pension, unlike the old wound pension, is not admissible to an officer, other than a Viceroy's commissioned officer, unless he is invalided from the service.

Sir Purshotamdas Thakurdas : Sir, before I put the questions which stand in my name on the short notice list, I would like to say a few words. In view of the two Bills of which I had given notice, known as the Currency Bills, being ballotted for the 23rd, and being low on the ballot list, I asked the Honourable the Finance Member if he would be pleased to see that I got one of the Government days for discussion of these two Bills in the Assembly. The Honourable the Finance Member having expressed his inability to comply with my request, I next asked if he would accept private notice of a few questions, which practically touched the subject matter of the two Bills. He has been good enough to agree to answer these questions of which I gave private notice, and I will now proceed to put these questions one by one. Question No. 1.

The Honourable Sir Basil Blackett : I would ask the Honourable Member to put all the questions together.....

Mr. President : Order, order. All Honourable Members have not the printed copies of these private questions.

Sir Purshotamdas Thakurdas : I will read them out. May I know if the Finance Member would like me to read all the questions together ?

The Honourable Sir Basil Blackett : I will answer the first four together.

Sir Purshotamdas Thakurdas : Then I will read the first four questions together.

PUBLIC SUBSCRIPTIONS TO THE GOVERNMENT OF INDIA LOAN. INCREASE IN THE BANK RATE. STRINGENCY OF THE INDIAN MONEY MARKET.

Sir Purshotamdas Thakurdas : 1. What is the total amount of the Government of India loan subscribed this year by the public ?

2. Is it a fact that the Bank Rate was increased by 1 per cent. to 5 per cent. in the third week of August last ?

3. Will Government name similar precedents in the last 25 years when the Bank Rate had to be put up in the month of August ?

4. Are Government aware that the money market in India is tighter at present than in corresponding periods of normal years ?

The Honourable Sir Basil Blackett : (1) The amount subscribed by the public to the Government of India Rupee Loan this year was Rs. 13,20,77,200.

(2) The Imperial Bank of India raised its rate from 4 per cent. to 5 per cent. in the third week of August 1924.

(3) The bank rate was raised in 1906 and 1913 by the Bank of Bengal from 4 per cent. to 5 per cent. during August, from 3 per cent to 5 per cent. and from 4 per cent. to 6 per cent. by the Bank of Bengal and the Bank of Bombay, respectively, in 1914 while in 1915 to 1921 inclusive the bank rate was 5 per cent. or over throughout August except that in

the case of the Bank of Bombay it was raised from 4 per cent. to 5 per cent. in the middle of August 1916.

(4) On the whole I think it is true to say that the money market in India is more stringent at the moment than usual at this time of the year.

Sardar V. N. Mutalik : How far is the Government loan responsible for this increase in the bank rate ?

The Honourable Sir Basil Blackett : I would ask that the rest of the questions might be put, because the answers to most of these supplementary questions will probably be found in the answers to the original questions.

Sardar V. N. Mutalik : I suppose I shall have an opportunity to put supplementary questions afterwards on all questions.

STRINGENCY OF THE MONEY MARKET.

FIXING OF A NEW GOLD RATIO FOR THE RUPEE.

REVISION OF THE PRESENT CURRENCY POLICY OF GOVERNMENT.

Sir Purshotamdas Thakurdas :

5. In view of the satisfactory state of the currency, will Government be pleased to explain the scarcity of money that was perceived last season and is felt as early as September this year ?

6. Are Government aware that apprehensions are widely entertained that unless the Government of India change their policy followed till now and arrange for automatic expansion of the country's currency, the tightness of the money market may increase seriously and affect the marketting of the crops of India during the next six months ?

7. Will Government be pleased to state their policy regarding provision of adequate currency in case of the apprehensions stated in question (6) above prevailing ?

8. Will Government be pleased to state when they expect—

(*a*) to take steps themselves to change the ratio in the Statute, or

(*b*) to give necessary facility for, and support to, a non-official Member suggesting a change from the two shilling ratio ?

9. (*a*) Has the attention of Government been drawn to a telegram from London printed in the *Bombay Chronicle* of the 27th August last, wherein it is stated that Lord Meston and Sir James Wilson stated last month that it is of great importance to the trade of India and the welfare of the population that the value in gold of the rupee should be stabilised ? Are Government aware that it is further stated by these authorities with considerable experience of Indian Finance that now that the rupee is again worth $\frac{1}{15}$ of the gold in a sovereign, it will require no great effort to stabilise it at that rate ?

(*b*) Has the attention of Government been drawn to the issue of the *Financial News* of London which says that the continuance of the two shillings ratio on the Statute-book has brought India's trade and industry to the verge of bankruptcy ?

10. Are Government prepared to consider the question of appointing a Committee in India with a majority of Indians to revise the present

currency policy of the Government of India with special reference to provision of adequate currency and other cognate details ?

The Honourable Sir Basil Blackett : I propose to give a separate answer to question No. 9. In reply to the remainder of the questions, I think it will be more useful to make a general statement than to reply to each question independently in isolation.

(9) (*a*) I do not think that Lord Meston has expressed himself in favour of the immediate stabilisation of the rupee at 1*s.* 4*d.* gold. Sir James Wilson, writing to the " London Times " on the 22nd August 1924 does indeed advocate this course, but in doing so he writes :

" It might be necessary to reduce the quantity of rupee currency in circulation and this could most easily be done by withdrawing a portion of the greatly inflated note circulation."

This does not suggest that Sir James Wilson is closely acquainted with present day financial conditions in India.

(*b*) The statement that the continuance of the 2-shilling ratio on the Statute-book has brought India's trade and industry to the verge of bankruptcy seems to me patently incorrect and not to deserve serious attention either from the Honourable Member or from the Government.

In regard to the remainder of the questions, three separate points are raised :

(*a*) the continuance of the statutory ratio of 2 shilling gold for the rupee ;

(*b*) the question of substituting a ratio of 1*s.* 4*d.* gold ; and

(*c*) stringency in the money market.

These questions are inter-connected but not so closely I think as is implied in the question.

As regards (*a*), the Government, as has been stated more than once, regard the 2 shilling ratio as inoperative but harmless. They desire that in due course an effective ratio should be substituted for the 2 shilling ratio, but it is necessary first of all to be sure that whatever new ratio is decided upon can be made fully effective as well as to determine what the new ratio ought to be. I would point out to the Honourable Member that a ratio of 1*s.* 4*d.* gold would have been as inoperative during the last busy season as the 2 shilling ratio was, and that the 2 shilling ratio cannot, therefore, be said to have prevented the automatic expansion of the currency.

(*b*) The Government do not think that it will be in the interests of India to fix a new gold ratio for the rupee forthwith, at a time when countries like Holland, Switzerland and South Africa regard a return to the gold standard in their own case as a somewhat rash experiment until they are more certain of what will happen to sterling. The satisfactory outcome of the London Conference on Reparations undoubtedly gives hope that the moment for action will be accelerated, but it has not yet arrived. When the time comes, it will be necessary that the Government should be in a position to make the rate decided upon fully effective, and that there should be means for supporting the exchange if it threatens to fall below the new statutory rate—a point which is not provided for in the Bills of which the Honourable Member has given notice. Moreover, before action can be taken very careful

consideration must be given to the question whether a rate of 1*s.* 4*d.* gold or some higher rate is most likely to be beneficial to India, regard being had to the interests of the consumer and the tax-payer as well as the other interests concerned. The Government are not in a position to fix the date when they expect themselves to be in a position to introduce legislation for altering the existing statutory ratio. Until that time comes, they are not prepared to support or give facilities to legislation on the subject introduced by a non-official Member. The question of appointing a Committee to consider and advise on currency policy before action is finally taken is one to which the Government have given, and will give, careful consideration. They are not, however, prepared to make an announcement on the subject at present.

(*c*) I have left to the last the question of stringency in the money market. Until the economic disturbances caused by the war when India's currency was greatly expanded have receded further into the background and until the new savings annually available for capital investment in India become more nearly equal to the demand, some stringency is probably unavoidable during the busy season in India. A rise in the bank rate may exercise a salutary check on speculation, but a very high rate long continued must hamper legitimate trade. I have already pointed out that a ratio of 1*s.* 4*d.* gold would not in any way have relieved the stringency during the last busy season whereas the Government were able, by issuing currency notes to a total of 12 crores against sterling in London, to provide material relief over and above the relief afforded by the emergency currency legislation. The Government recognise that, quite apart from the natural affection for cheap money which is always to be found in certain portions of any business community, there is serious disquietude at present in India in regard to the tightness of money and its possible effects during the coming busy season. The Government have already announced certain relaxations in the rules regarding the issue of emergency currency. Apart from this, they have every intention of using to the fullest extent necessary their powers to issue currency against purchases of sterling. But the Government are confident that by the free use of the powers available to them under existing conditions they will be in a better position to provide suitable relief for undue stringency during the coming winter than if they were to proceed immediately and, as they believe, hastily to alter the statutory ratio of the rupee.

Sir Purshotamdas Thakurdas : I hope the Honourable Member will not mind if I put a few supplementary questions arising out of the statement that he has made. I would rather not put these questions if he should mind it. The Honourable Member said that the tightness of the money market has put a stop to speculation. May I know, Sir, if the Government of India have any information as to speculation being rife or even likely in any important market in India at present ?

The Honourable Sir Basil Blackett : Certainly the Government have general information as to the state of various markets. Some forms of speculation may be desirable. Speculation in itself is not an undesirable thing. It is a mere question of its reasonable limits.

Sir Purshotamdas Thakurdas : My question was—are the Government aware of any objectionable form of speculation being rife at present which should be checked by tight money market ?

The Honourable Sir Basil Blackett : I do not think I can really be expected to enter into an argumentative discussion of this sort in answer to a question.

Sir Purshotamdas Thakurdas : With regard to the relaxation of rules, the Honourable Member said that the relaxation is that 4 crores are available to the Imperial Bank at 7 per cent. Do the Government of India propose to further consider the advisability of some more concessions in view of the tightness of the money market at present ?

The Honourable Sir Basil Blackett : I do not think I can add anything to the answer which I have already given on that point.

Mr. Jamnadas M. Mehta : Is not 7 per cent. itself a very heavy rate ?

The Honourable Sir Basil Blackett : It may or may not be.

Mr. Jamnadas M. Mehta : I want a definite answer ?

The Honourable Sir Basil Blackett : I have given it.

Mr. Jamnadas M. Mehta : Is it high in comparison with the London market rate ? I want a comparison to be made.

The Honourable Sir Basil Blackett : I have given the only answer that is possible, namely, that 7 per cent. may be a very high rate and it may be a very low one.

Mr. Jamnadas M. Mehta : It is not an answer ; it is an evasion.

Sir Purshotamdas Thakurdas : The Honourable Member has also referred to some stringency. May I ask the Honourable Member if he is aware that 3½ per cent. Government paper has gone down during the course of the last four weeks from 68½ to 63¼, that the 1926 Loan has gone down from Rs. 101|10|0 to Rs. 99|12|0 and that the latest Loan of the Government of India, to which the public subscribed 13 crores has gone down by Rs. 2 per cent.

The Honourable Sir Basil Blackett : The latest figures that I saw did not show such a large fall ; but I am perfectly aware that there has been a considerable fall.

Mr. Harchandrai Vishindas : Will the Honourable Member state whether he is in a position to say in what cases 7 per cent. will be considered to be a high rate of interest and in what cases it will be considered a low rate of interest ?

The Honourable Sir Basil Blackett : If the Honourable Member were trying to hold up produce on borrowed money when it ought to be sold, 7 per cent. might be a very desirable rate.

Mr. Jamnadas M. Mehta : Is it a fact that as a result of this new statutory rate, the currency has been contracted to the extent of 62 crores ?

The Honourable Sir Basil Blackett : That, Sir, is a question of arithmetic. If you take the effect of the old statutory rate from the date when it was first made effective, then it will be seen that the currency was increased by more than 62 crores.

Mr. Jamnadas M. Mehta : I mean from 1920 onwards. Is it not a fact that as a result of this new rate it is less by 62 crores than it would otherwise have been ?

The Honourable Sir Basil Blackett : I am not sure exactly from what date the contraction of the currency has begun. But there has been some desirable contraction of the currency during the last four years. If the Honourable Member will put down a question on this subject, I shall be able to give him an answer. I do not carry these figures in my head.

Sir Purshotamdas Thakurdas : Would it be correct to infer from the Honourable the Finance Member's statement that the Government of India are in favour of a higher ratio than 1*s.*|4*d.* gold and that they have not yet made up their mind to change the ratio from 2*s.* gold ?

The Honourable Sir Basil Blackett : It would not be a correct inference. The correct inference would be that this matter is one which the Government think should receive careful consideration.

Mr. Jamnadas M. Mehta : Is it not a fact that a higher rate of exchange is a very good incentive to imports ?

The Honourable Sir Basil Blackett : It is not a fact. A rising rate of exchange may however have that effect.

Mr. President : I think Honourable Members had better not put any more questions on this subject.

Sir Purshotamdas Thakurdas : I wish to express my sincere thanks to the Honourable Sir Basil Blackett for having given me this opportunity of bringing up this matter.

UNSTARRED QUESTIONS AND ANSWERS.

EMOLUMENTS OF POSTAL CLERKS AND R. M. S. SORTERS IN BURMA AND INDIA.

409. **Mr. M. C. Naidu** : Will the Government be pleased to state what was the starting and other grades of pay of the Post Office clerks and the R. M. S. sorters in Burma and in India prior to the introduction of the present time-scales of pay and what are the rates now, both in India and in Burma ? If they are equal, what led the Government to make them equal in total disregard of the special local conditions prevailing in Burma for which higher rates of pay existed prior to the introduction of time-scales of pay.

The Honourable Mr. A. C. Chatterjee : Prior to the introduction of the time-scales, the grades of pay for Post Office clerks and R. M. S. sorters in India of corresponding rank ranged from Rs. 30 to Rs. 100 except in Bombay City, Calcutta and Baluchistan where the minimum pay of Post Office clerks was Rs. 40. In Burma the grades for both Post Office clerks and R. M. S. sorters ranged from Rs. 40 to Rs. 100 except in Rangoon where the lowest grade for the former was Rs. 50.

The time-scales sanctioned for Post Office clerks and R. M. S. clerks in accordance with the recommendations of the Postal Committee, 1920, will be found in Commerce Department Resolutions No. 6458, dated the 23rd September 1920, and No. 6584, dated the 29th September 1920, which were published in the Gazette of India. Since those orders were issued, the time-scales of pay for Post Office clerks in Baluchistan and Rangoon have been raised from Rs. 45—140 and Rs. 50—140 to Rs. 55—140 and

Rs. 60—150 respectively, while the local allowance of R. M. S. sorters stationed in Rangoon has been increased from Rs. 10 to Rs. 20 a month.

The present position of Post Office clerks and R. M. S. sorters in Rangoon in relation to that of such officials in India calls for no comment. The Post Office clerks throughout Burma (outside Rangoon) have been placed on the same time-scale as officials of the same class in the largest and, therefore, the most expensive towns in India except Bombay, Calcutta (including Howrah and Alipore), Madras, Karachi, Lahore and Delhi. In the case of R. M. S. sorters generally, it has been recognised that their work is of a somewhat lower order than that of Post Office clerks and they have accordingly been placed on time-scales which, though equal in respect of the minimum, falls short by Rs. 10 in respect of the maximum of the scales provided for Post Office clerks serving in the same localities. As, therefore, the R. M. S. sorters in India with the exception of those whose headquarters are at Bombay, Calcutta (including Howrah) and Madras have for the most part to live at places where Post Office clerks are on a time-scale of Rs. 40—130, they have been placed on a time-scale of Rs. 40—120, and, in accordance with the same principle, the R. M. S. sorters in the Burma mofussil have been given the latter time-scale, seeing that the Post Office clerks serving in the same localities are on a time-scale of Rs. 40—130.

GRANT OF BURMA ALLOWANCE TO POSTAL AND R. M. S. SUBORDINATES IN BURMA.

410. **Mr. M. C. Naidu**: (*a*) Are the Government aware that owing to the peculiar situation of Burma with which the means of communication are limited, the cost of living in Burma is appreciably higher than in India ?

(*b*) Is it not a fact, that the officials in Burma do draw, in recognition of the costlier living, travelling allowance 50 per cent. more than what is admissible in India according to the Civil Service Regulations ?

(*c*) Are Government aware that the officers of the Telegraph Service in Burma irrespective of their recruitment either in Burma or India, are in receipt of Burma allowance ?

(*d*) Are Government aware also of the fact that the Postal Officers also in Burma whether recruited in Burma or in India, whether Europeans or Anglo-Indians or Burmans are also in receipt of Burma allowance ?

(*e*) If so, will the Government be pleased to state the reason why such an allowance has been denied to the Postal and R. M. S. subordinates in Burma ?

The Honourable Mr. A. C. Chatterjee : (*a*) Government believe that, generally speaking, the cost of living is higher in Burma than in India.

(*b*) The rates of daily allowance and road mileage in Burma are higher than the lowest rates in India but the percentage of excess varies with the pay of the officer concerned.

(*c*) and (*d*). Burma allowance is granted to all officers of the Telegraph Service who are transferable outside that Province and also to gazetted Postal officers who are so transferable. The normal scale of pay of such officers has to be fixed in reference to employment in India and not in Burma.

(*e*) As the Postal and R. M. S. subordinates, unlike the gazetted officers, are not transferable outside the Province, the grant of a Burma allowance would have been inappropriate. The proper course was to provide them with suitable scales of pay, and this has been done.

GRANT OF COMPENSATORY ALLOWANCES TO THE POSTAL AND R. M. S. OFFICIALS IN THE MUFASSIL IN BURMA.

411. **Mr. M. C. Naidu**: (*a*) Are Government aware of the fact that discontent runs high amongst the Postal and R. M. S. officials in the mufassil in Burma owing to the non-extension to them of the little relief granted recently to the officials in Rangoon in the shape of a small increase in pay to some and a compensatory allowance to others ? (*b*) Do the Government know that the conditions of living, housing and foodstuffs, etc., are not on the whole any way better in the mufassil than those in the city of Rangoon. (*c*) If not, are the Government prepared to have the question properly investigated by a Committee consisting at least of half of its members from the accredited representatives of the Burma Postal Association, if there exists any doubt as to the existence of equally bad conditions of living in the mufassil ?

Mr. H. A. Sams : (*a*) No.

(*b*) Government have reason to believe that the cost of living is substantially higher in Rangoon than in the ordinary stations of the Burma mufassil.

(*c*) Does not arise.

DISMISSAL OF MR. SERAJUDDIN, A MACHINEMAN IN THE EASTERN BENGAL RAILWAY WORKSHOP AT DACCA.

412. **Khwaja Abdul Karim**: Are the Government aware that Md. Serajuddin, a machineman at the Dacca E. B. Railway workshop, was dismissed from service in June last for simply saying his mid-day prayer in that office ?

Mr. C. D. M. Hindley : Mr. Serajuddin was discharged from service for idling and absence from work and not for the reason stated in the question.

PROVISION OF OVERBRIDGES AT CERTAIN LEVEL CROSSINGS IN DACCA.

413. **Khwaja Abdul Karim** : Are the Government aware that several persons were killed and communication very often interrupted at important hours of the day by running trains at the Railway level crossings situated at (*a*) Dewan Bazar Road (*b*) Fulbaria Road (*c*) North Nawalpur Road and (*d*) Ticcatuly Road in the city of Dacca on account of the absence of overbridges at these crossings ? Do the Government propose to consider the necessity of creating overbridges at these crossings at an early date ?

Mr. C. D. M. Hindley : Inquiries made show that no persons were killed during the last four years at any of the level crossings mentioned.

A foot overbridge near Dewan Bazar is provided but it is very little used.

So far as Government are aware, interruption to traffic is not excessive and overbridges are not necessary at present, but this is a matter that may suitably be brought to the notice of the Agent through his Advisory Committee.

REPRESENTATION OF THE RURAL CLASSES IN THE PROVINCIAL AND CENTRAL LEGISLATURES.

414. **Sardar Gulab Singh:** Will the Government please give the following information with regard to rural representation on legislative bodies :

(1) The proportion of rural to urban population in India and in each province. (2) The percentage of the total revenue derived from the rural population and from the urban population. (3) The proportion of rural representation in Legislative Councils, Legislative Assembly and the Council of State.

The Honourable Alexander Muddiman : I gather that the Honourable Member wishes me to make a comparison between the proportion of the rural population to the total population the proportion of revenue paid by the rural population to the total revenue and the proportion of the rural to the total representation in the various Legislatures in India. No statistics as to the proportion of the total revenue which has been paid by the rural population are available in the Government of India accounts. The urban and rural population of the various areas in India are given in Imperial table I to the Census Report. Similarly, the rural and urban seats in each Legislature in India can be gathered either from the electoral rules or from the return of the last general election. Copies of all these papers are in the Library. I note, however, that the distinction between rural and urban in the two cases is not identical and no useful purpose will, therefore, be served by tabulating the various proportions. In the case of the census tables, the rural population is the population living in towns and a town includes every municipality, every cantonment, all civil lines not included in municipal limits and every other collection of houses permanently inhabited by not less than 5,000 persons. For electoral purposes, on the other hand, urban seats were given generally to areas which were considered to have urban as distinct from rural characteristics.

RATES TRIBUNAL.

415. **Mr. N. C. Kelkar :** Will Government be pleased to state what progress has been made with regard to the scheme of the Railway Rates Tribunal ?

Mr. C. D. M. Hindley : The Honourable Member is referred to the answer given in this Assembly to question No. 2139 on 17th September 1924, on the same subject.

CORRESPONDENCE WITH THE BOMBAY GOVERNMENT *re* THE TAXATION COMMITTEE.

416. **Mr. N. C. Kelkar :** Will Government be pleased to lay on the table the correspondence which they had with the Government of Bombay on the question of the Taxation Committee ?

The Honourable Sir Basil Blackett : The reply is in the negative.

COST OF MANUFACTURE OF INDIAN PAPER.

417. **Mr. M. C. Naidu** : Will the Government please state whether Indian paper can be manufactured at rates cheaper and of a quality equal to the imported article ?

The Honourable Mr. A. C. Chatterjee : I must ask the Honourable Member to await the result of the deliberations of the Tariff Board on this question.

NORTH WESTERN RAILWAY SLEEPER CONTRACT.

418. **Lala Hans Raj** : (*a*) Will the Government be pleased to state if a Committee of inquiry of the Central Advisory Committee was appointed to go into the 5 years N. W. R. sleeper contract given in 1922 to Messrs. Spedding & Co. ?

(*b*) If the reply to part (*a*) be in the affirmative, will the Government be pleased to state if any evidence has been taken by this Committee, if so, will the Government be pleased to state if the evidence of any timber merchants was taken, if not, why ?

(*c*) Will the Government be pleased to state if the Committee has made any report, if so, will the Government be pleased to lay on table all the proceedings including the report ?

(*d*) Will the Government be pleased to state what action it intends to take on this report ?

Mr. C. D. M. Hindley : The Honourable Member is referred to the replies given to similar questions asked in this House by Mr. Chaman Lall on the 10th September and by Lala Duni Chand on the 3rd September.

PERSONAL EXPLANATION BY SARDAR BAHADUR CAPTAIN HIRA SINGH *re* REMARKS MADE BY PANDIT MADAN MOHAN MALAVIYA.

Sardar Bahadur Captain Hira Singh (Punjab : Nominated Non-Official) : Sir, I rise on a point of personal explanation. It was with great regret, Sir, a couple of days ago in my absence from the Chamber, that I heard that my Honourable friend, Pandit Madan Mohan Malaviya, made some incorrect remarks about me which were to the effect that I was reading out the notes provided to me by others.

(At this stage Pandit Madan Mohan Malaviya rose to speak.)

Sir, I have not yet finished my remarks. Sir, this House contains many excellent and very good speakers. But, with the exception of three or four, they were not born when I and other Indian soldiers were fighting in the frontiers of India to ensure that they may be born in peace and tranquillity. Not only that, but my friend, I should say, must have been enjoying his summer in a cool climate on the banks of the Ganges under big shaded trees and probably turning the pages of his law books or fortune and misfortune making books, when I was digging the trenches in Waziristan and Malakand. However, I have very great regard for my Honourable friend. But, to my misfortune, he and his admirers, or my admirers, think that I have got no opinion of my own on political questions.

Mr. President : Order, order. If the Honourable Member has a matter to explain in which he feels that he has been the subject of misrepresentation, he must do so in brief and appropriate terms. I understand he is referring to a passage which occurred in the speech of Pandit Madan Mohan Malaviya. Will he kindly come to the point now, so that we may get on with the business of the day.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, my friend is mistaken in thinking that I said that he read notes prepared by others. I distinctly avoided saying that. When I was speaking, somebody from behind said that the notes were supplied by others. I said I did not want to say that, and I left the matter there. I did say I apprehended that the Captain had got into the habit of reading notes for the edification of some Honourable Members of the House. But I expressed that opinion because I could not believe that the sentiments which Captain Hira Singh gave expression to could proceed from the head or the heart of an Indian who had considered the subject thoroughly and spoke independently.

Sardar Bahadur Captain Hira Singh : I have, Sir, my own opinion and I form my own judgment just as any other Members do. They were in substance and form my own, and they give expression to my own thoughts and to my own views.

THE LAND CUSTOMS BILL.

The Honourable Sir Basil Blackett (Finance Member) : Sir, I beg to move :

" That the Report of the Select Committee on the Bill to consolidate, amend and extend the law relating to the levy of duties of customs on articles imported or exported by land from or to territory outside British India, be taken into consideration."

It will be remembered that when this Bill was referred to Select Committee there was a desire expressed in this House that the Bill should be so modified as not to give the Government any new powers in regard to land customs imposable upon Indian States. The Select Committee have dealt with that difficulty in a way that was fully agreed to in the Committee, and will I think meet the desires of the House. I do not think I need, therefore, do any more at this stage than make the motion.

Mr. Jamnadas M. Mehta (Bombay Northern Division : Non-Muhammadan Rural) : Sir, in giving my support to this motion of the Honourable the Finance Member I will, with the permission of the House, make a few observations about the changes that have been made in the original Bill by the Select Committee.

It is a satisfactory feature that it was found very easy to exclude the Indian States from the operation of this Bill. The draftsman's skill achieved in one moment what took us two hours to discuss in this House, and I think we are obliged to the draftsman who did it.

I may also inform the House that the effect of this, particularly on the people of Kathiawar, has been so great that I have received several messages expressing relief at the information that they have been so excluded. Perhaps the House will not understand why the people there were so anxious about this matter, unless I told them that during the time the Bombay Land Customs Frontier Act was applied at Viramgam the people of Kathiawar were, for 15 years, very much

[Mr. Jamnadas M. Mehta.]

harassed ; children, women and old men, whether in the winter or during the monsoon or in the dead of night or early in the morning by trains arriving at any hour of the day or night, and the British Government were identified with the reign of terror that prevailed. Any prospect of the reimposition of that measure or any other such measure has therefore always been looked upon with the same terror of alarm as any nation would experience, say, from a blockade by the British Navy.

The omission of Indian States from this measure is all the more welcome at this moment as I understand, Sir, that His Excellency the Viceroy is going to visit Kathiawar very shortly. I am informed that in Rajkote they propose to give an address to His Excellency the Viceroy, not because of this relief, but in connection with his visit. As a Swarajist, I would say at once that I do not approve of such visits, it is nevertheless a fact that an address is being arranged at Rajkote for His Excellency the Viceroy during his forthcoming visit. (*A Voice* : "Do you approve of such visits ?") I do not approve of them, but rather regard them as visitations. This proposed visit will mean an expenditure of about 30 lakhs of rupees to the poor people of Kathiawar and, as I have already said, I do not approve of such visits.

Then as regards the other changes in the Bill, there are several amendments which will be discussed in due course. I was glad to find that the veteran Sir Sivaswamy Aiyer, who thought I was merely giving expression to unfounded alarm, was on fuller information in the Select Committee persuaded to adopt the view that it was necessary to omit the Kathiawar States. I was accused by the *Statesman* of being a friend of the smugglers and the most rigid advocate of free trade, because I wanted the exclusion of the Indian States. If the writer had taken the trouble to understand the subject he would have seen that I repeatedly emphasized the fact that I did not want Government to lose any revenues, and that I only wanted to protect those who had no opportunity to place their views before the House ; but where ignorance is bliss, 'tis folly to be wise. I do not think the *Statesman* knows anything about the conditions in Kathiawar, otherwise it would not have written this "ridiculous nonsense," as Sir Basil Blackett said yesterday.

There is one other thing I would like to mention and that is that there is a provision in the Bill boldly importing certain sections of the Sea Customs Act without weighing whether all of them would be applicable or not ; in the Select Committee it was found very difficult to see whether each section would fit in properly or not, and the Select Committee very properly threw out the insertion of section 168 ; it contemplates that not only dutiable goods should be confiscated but also the wagon, the carriage, the horse, the bullock and any other thing in which such goods were conveyed ; but apparently not the driver. For Rs. 10 worth of goods it was absurd to confiscate the horse, wagon, bullock, etc. Therefore the Select Committee wisely threw out section 168 and Government very properly accepted it without much hesitation.

On the whole, the Bill as it comes from the Select Committee has been pruned of most of its objectionable features and I hope the House will agree to its being carried.

Mr. President : The question is :

"That the Report of the Select Committee on the Bill to consolidate, amend and extend the law relating to the levy of duties of customs on articles imported or exported by land from or to territory outside British India, be taken into consideration."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Mr. N. C. Kelkar (Bombay Central Division : Non-Muhammadan Rural) : Sir, I rise to propose the amendment which stands in my name and which reads thus :

"In clause 4 (*b*), after the word 'alone' insert the word 'dutiable'."

So that, if my amendment is given effect to, the clause will read thus :

"(*b*) prescribe the routes by which alone dutiable goods, or any class of goods specified in the notification, may pass by land out of or into any foreign territory, or to or from any land customs station from or to any foreign frontier."

Sir, if even an avowed friend and supporter of the Bill runs the risk of being called a friend of the smuggler, I stand a greater chance of that epithet being applied to me, if I stand to propose an amendment which may be construed as giving some indirect help to a smuggler. I disclaim however all intention to assist the smuggler in any possible way.

My only object in moving this amendment is to remove and redress the possible hardships which I honestly feel will come in the way of honest people living on either side of the frontier of British territory and foreign territory in the matter of their ordinary daily transactions, and also harmless transactions. Members of this Assembly, who may have done me the honour to read my minute of dissent, will have understood at one glance the gist of my argument, but I may as well state briefly that argument in support of my amendment. In order to appreciate and understand the purpose of my amendment, I will just ask Members of this Assembly to consider in their minds what is the real purpose of the Government in passing this Land Customs Bill. Let them apply their minds to this one point ; what is the real purpose ? The answer must be, the purpose is to levy and collect duty upon certain goods which Government think must be dutiable. Now it follows that, in putting this Bill into operation, Government begin with making up their mind as to what class they will make and declare to be dutiable, so that by implication at any rate, the other class of goods will not be regarded as dutiable. The first step in the Tariff Act, along with the establishment of Customs stations and establishment, will be to prepare an exhaustive and comprehensive tariff schedule of the classes of goods with the appropriate duty to be levied upon them. But once that has been done, once dutiable goods are clearly distinguished in writing, in black and white, for general information from goods upon which Government do not intend to levy any duty, I do not understand the object of Government in prescribing routes by which all goods, whether dutiable or not dutiable, must pass. Now what are the powers which it is necessary that this Land Customs Department must possess in order that they may effectively be enabled to levy the duties they want ? First of all they must establish customs stations for passing dutiable goods. Then they must be able to make rules, also of course according to my contention, for dutiable goods. Then

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they must be able to demand the production of permits and to enforce the detention of goods, that is to say, dutiable goods which have to pay duty and are not allowed to pass without paying this duty. But those are not the only powers which Government actually possess under the Bill, and will continue to possess if my particular amendment is accepted. And what is that supplementary or reserve power? There is some margin for adjustment. If Members of the House will look at the section, they will find that it does allow the Customs Department to make and prescribe rules not only for dutiable goods but also in the case of other goods but *specified* in the notification. My point is that, over and above dutiable goods, they can declare by notification a particular class of goods which, though they may not be dutiable, (and I do not object to the retention of that) are regarded as a margin for adjustment, if there is any doubt as to what class of goods may be regarded as dutiable. That is just the margin of reserve, the margin for adjustment, for clearing up doubts as to the character of goods which lie on the border line between dutiable and non-dutiable goods. Now imagine what the hardship will be for honest people living on either side of the frontier if you prescribe routes all along the frontier in big customs areas, and say to people, you shall not pass any goods—mark the words "any goods,"—not dutiable, or not even a particular class of goods which you declare to be dutiable and subject to the operation of the Act, by any other than the prescribed routes. You declare to people living on either side of the frontier that they are not allowed to take any kind of goods across the frontier, except at certain points, or through certain customs stations. Now I simply put it to this House to imagine what great hardship it will be to people living on either side of the frontier. The frontier has, of course, a distinct and definite meaning; it has great significance from a legal as well as a political point of view. I can quite understand that, and this House will also understand it; but what will be the effect for the honest traders living on either side of the frontier? It will be quite enough, Sir, if you can declare certain goods which are liable to duty according to the tariff and must pass through certain points, but what do you gain by penalising the import and export of any class of goods whatever? It is quite easy to imagine what class of goods will be penalised if this is put into operation rigorously. If they are smuggled across the frontier, of course I can understand the loss involved in such a matter. But I put to you simple cases say, milk, fuel, rice, that is to say, goods which are necessary for the ordinary daily transactions of mankind. Now why should we penalise the import and export of goods which are not expected to pay any duty for the benefit of the Treasury? Why should we expect people to take all their goods to a particular point, and at long distances to particular customs stations in order that, in a remote event, the Treasury of Government may not lose?

Now I have already heard, and to my entire satisfaction, that Government do not for the present intend to apply the Bill to Indian States, but it will also be remembered that Government have kept in their hands all the reserve power, and therefore the possibility, if only they mean to put that into operation, of applying the Act also to Indian States.

Mr. A. H. Lloyd : No, the Bill would not allow of application to them.

Mr. N. C. Kelkar : Not this Bill, I understand. Now it has been admitted by Government that this Bill is even more drastic than the Bombay Act XXIX of 1857 and the Madras Act of 1854, and it has been admitted that both these Acts will remain in force and are not repealed. You will remember, when the Bill was originally brought before this House, it contained at the end a certain Schedule of enactments which it was intended to repeal. In the Select Committee, perhaps as a set-off against the immediate declaration of intention on the part of the Government, that they did not intend to apply the Bill to Native States, this Schedule was dropped, and the original reserve powers were kept by Government in their hands. Of course as a remote possibility, supposing some Indian States misbehave and allow dutiable goods to come through their ports into British territory, against that emergency Government intend to keep the reserve power in their hands, and they may then apply those powers. That seems to be the intention. I can quite conceive that such an emergency may not soon arise, but supposing it does, what happens ? In such an event you have not to consider the hardships of subjects in foreign territories but of subjects in India itself.

The Honourable Sir Basil Blackett : I do not want to interrupt the Honourable Member but I would point out to him that this Bill does not give us any powers whatsoever in regard to customs frontiers on Indian States.

Mr. N. C. Kelkar : That Schedule was dropped, wasn't it ?

The Honourable Sir Basil Blackett : That Schedule was dropped for the reason that the old Acts might remain still in force. We have our powers under those old Acts. The amendment that he is moving now will have no effect whatsoever on the old Acts.

Mr. N. C. Kelkar : When my Honourable friend interrupted me I was just coming to section 5 of the Indian Tariff Act. That only adds to the force of what I have been saying. All your reserve powers are there. You are not going to take away a little of the powers that you possess, and while section 5 of the Tariff Act is in force Indian States may possibly be declared foreign territory, and then these operations will begin. (*The Honourable Sir Basil Blackett* and *Mr. M. A. Jinnah* : "Not under this Bill.") Yes, under the other Acts—I mean, for instance, the Bombay Act. With regard to this Bill in particular you will further see in relation to subjects of Native States on the one hand and British territory on the other hand, you will further find, that the situation becomes aggravated by the fact that the offence of amendment, which was not originally an offence, has now been made an offence in this Select Committee's Bill. Now that affects the position in this way. It is quite conceivable, nay it is not only conceivable but quite possible, that people living in British territory will be penalised for this offence rather than people living in Native States. There is at least as much chance that these people will be penalised as other people. That means it does not seek to penalise only the subjects of other Governments. Of course it is all plausible enough to say that so far as the subjects of foreign territories are concerned, we need not have a tender corner in our hearts for them ; but the position to my mind at once changes when, though in the remote

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event, steps are taken to put customs houses on the border between British territory and Indian States. Then you will at once see what will be the result of the present defective arrangement. And lastly, it is not as if the Government themselves had not made any distinction between dutiable and non-dutiable goods. They are cognizant of the distinction, they are aware that such a distinction exists ; and therefore the onus is on them to prove why they must apply the same provisions also to non-dutiable as they have made applicable to dutiable goods. They do not, of course provide the penalty of forfeiture for non-dutiable goods but make the passing of non-dutiable goods an offence. Now these non-dutiable goods are not liable to be confiscated ; they do not form the corpus of any criminal act ; and yet there is the possibility of people being prosecuted for offences committed under this Act. Therefore I should like to go one step further and exempt non-dutiable goods from the obligation of passing by fixed routes. I think it will amply serve the purpose of Government and the Customs Department if dutiable goods, or a particular class of goods notified by them to be included with dutiable goods, are made to pass through particular customs stations, but exemption is given to other non-dutiable goods. Now if you include non-dutiable goods, the chances of detection will depend and will be limited by the strength and efficiency of your detective establishment, and the number of your checking stations. That I quite admit. But that also applies to dutiable goods. Now what difference would it make to a man who wants to smuggle ? It makes no difference. The possibility of his successfully smuggling is in inverse relation only to the strength and efficiency of your detective establishment. Therefore the chances of smuggling are even, I suppose, in both cases. It is wrong in principle, it is simply absurd, to put under the same category of " smuggled goods," dutiable goods and non-dutiable goods. The distinction is quite clear and logical, and Government absolutely lose nothing by exempting non-dutiable goods from the operation of the Bill. Therefore I do hope that the House will support me in my amendment.

Mr. A. H. Lloyd (Member, Central Board of Revenue) : Sir, I hope that I shall be able to discharge to the satisfaction of the House, and I may even say that I hope to discharge to the satisfaction of the Honourable Mover of the amendment, the onus which he has laid upon us of showing that there is a good case for making no distinction between dutiable and non-dutiable goods in connection with section 4 of the Bill under consideration.

The first point I wish to make out, Sir, is this. The Honourable Mover of the amendment has reminded us that one of the purposes sought to be achieved by passing this Bill is to strengthen the administration of land customs on the frontiers of European foreign settlements in India. The amendment now before us seeks to remove a safeguard which we have at present which we have had in the case of one Presidency for 80 years and in the case of another for nearly 70 years. The Bombay Land Customs Act of 1857 gives the Governor in Council power by public notice to prescribe by what route and passes *goods* shall be allowed to pass into any such foreign territory. There is no limitation to dutiable goods there. The Madras Land Customs Act of 1844, section 12, gives the Governor in Council the same power to prescribe by public notice by what routes *goods* shall be allowed to pass into or out of any such foreign territory. Equally there is no limitation to dutiable goods there.

I should now like to make it clear to the Honourable gentleman who moved this amendment that there is no necessity here and now, when this Bill is passed, for Government to make up their mind what goods are to be dutiable. We already have the administration functioning and we have had for the best part of a century (*Mr. N. C. Kelkar* : " So much the better "); and so long as my knowledge of the history of the affair goes back, all the duties applicable to sea customs are applicable to the land customs between foreign European settlements in India and British India. This applicability was reaffirmed after the Indian Tariff Act of 1924 was passed, by Notification No. 24-T. of the Department of Commerce dated the 1st April, 1924, which runs as follows :

" .....the Governor General in Council is pleased to declare the French Settlements of Pondicherry and Karikal and the Portuguese Settlements of Goa and Daman to be foreign territory for the purposes of the said section, and to direct that a duty of customs at the rate prescribed by or under the said (Tariff) Act in respect of any article, when imported into, or any article when exported from, a port in British India shall be leviable on any such article when imported or exported, as the case may be, by land from or to any of the said Settlements."

We have therefore to take the existing tariff. Now I have here the current Schedules attached to the Indian Tariff Act. The only articles which are free of duty appear in Part I of Schedule II of the import tariff which contains only 26 items. There are 152 articles in the whole tariff. Of these 26 articles are specified as free, several are exempt from duty only conditionally ; for instance, item No. 2—salt when issued for use in any process of manufacture ; item 11—uniforms and accoutrements imported by public servants for their personal use ; item 12—certain arms and ammunition when imported by officers of the Army and so forth. These obviously would have to be covered by the offer which the Honourable Mover of the amendment made to allow certain free goods to appear as " specified classes of goods ". This still further reduces the small percentage which free goods bear to dutiable goods in the tariff. So small is this percentage and so comparatively unlikely are many of them to be imported from these European settlements, that I really think I can appeal to a House which contains a fair number of legal practitioners to agree with me that the hardship against which the Honourable Mover desires to protect the population is a very small one and that therefore the principle *de minimis non curat lex* should apply.

It is not the case, as the Honourable Member suggested that goods used in ordinary daily transactions are mostly free ; on the contrary they are nearly all dutiable. He mentioned two of them, fuel and rice. Firewood is not free ; and rice does not appear in this Schedule. And of course many articles not specified in the various items of the Tariff are covered by the last item in part V of the Schedule—" all other articles not otherwise specified "—dutiable at 15 per cent.

Mr. N. C. Kelkar : Is rice then contraband goods ?

Mr. A. H. Lloyd : I am dealing with the question of what is dutiable and what is not dutiable and not with the question of contraband. I do not suggest that rice is prohibited.

I have mentioned the unimportance of this so-called hardship referred to by the Honourable Mover. What I now wish to point out is the danger of agreeing to his proposal. It must, to my mind, be perfectly obvious to the majority of the Members of this Assembly that unless one is put in a position to check the claim that goods imported across the frontier are actually non-dutiable it is open to any smuggler to move

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goods across the frontier and run the risk of being caught by a customs officer—otherwise to get them through without any question. That is a risk which we on this side are not prepared to take, although the smuggler may be prepared to take it on his side. Let us look at the list of goods again. Several of them are articles which are obviously not readily identified when in transit. Take a small article such as quinine. Quinine is a white powder. We know several white powders which we should be anxious to take an opportunity of observing if they crossed the frontier; there is saccharine and there are other white powders in which the Excise departments are particularly interested. I admit there is one item—and I make a present of this to the Honourable Member—in the free Schedule which could at a glance be recognised by any one as being free; and that is the item "living animals". We were told the other day in this House that it is easy to detect the difference between a prancing Arab steed and a wooden rocking horse; and I am quite prepared to admit that customs officers will have no difficulty in making such a distinction; but that is practically the only article in the list which would not expose us to risk if goods could be passed freely over the frontier. I must really ask the Honourable Mr. Kelkar "Has he had the opportunity, as I have had, of passing some of the frontiers in Europe?" They adopt elaborate precautions on these frontiers to prevent goods of all sorts from passing unless they are checked at the customs station. I may state the danger in this way—if goods alleged to be free are being carted across the frontier over any long distance it is obvious that an enormous staff of customs officials will be necessary in order to examine these goods and check the claim that they are free.

I hope that I have now satisfied the House that there is a good case for retaining the safeguard which we have had for so long in this matter. I will give one illustration which seems to me to be absolutely conclusive and it is this. If we are not entitled to prescribe the routes by which goods without exception shall pass one of these frontiers I imagine that we should be liable to be charged with some offence in the way of obstruction if we erected a fence between the stations. Now, Sir, we have such a fence round the territory of Daman. Does the Honourable Mr. Kelkar suggest that we must pull that fence down in order that free goods may pass those portions of the frontier which lie between the customs stations? I hope he does not make any such suggestion. The Honourable Mover of the amendment is probably a regular reader of the paper known as the *Mahratta*. The *Mahratta* on the 4th of May last expressed strong approval of the Bombay Excise Committee's report. I think it may therefore be taken that the Honourable gentleman also approves of the existing temperance efforts of the Bombay Government, which include rationing of supplies to shops. Now, there are many shops in the neighbourhood of the territory of Daman which are rationed. I leave it to the Honourable gentleman's imagination to consider the prospects of the rumbling of carts over these unguarded portions of the frontier; bearing supplies of liquor to supplement the possibly inadequate supplies under the ration system, which would be heard if the fence now in existence was pulled down. I therefore hope, Sir, that if it is too much to expect that the Honourable the Mover of the amendment will withdraw it, the House at least will not accept it.

The motion was negatived.

Maung Tok Kyi (Burma: Non-European): May I say a few words, Sir, as Burma also is greatly affected by this question?

Mr. President : The Honourable Member will have an opportunity of speaking when the motion to pass the Bill is made. I am afraid he is too late now.

Clause 4 was added to the Bill.

Khan Bahadur Sarfaraz Hussain Khan (Patna and Chota Nagpur *cum* Orissa : Muhammadan): Sir, the amendment which I have to move is as follows :

" In clause 5 :

(*i*) In sub-clause (1), after the words ' to pass any ' the word ' dutiable ' be inserted.

(*ii*) To sub-clause (1), the following proviso be added :

' Provided that in all such cases, the permit shall be granted within 48 hours from the date of the application for such permit '."

Mr. President : Order, order. Before the Honourable Member proceeds I want to understand from the Honourable Member for the Central Board of Revenue whether if the House passes the first amendment which he proposes to move now it would not be stultifying the decision we have just arrived at.

Mr. A. H. Lloyd : As regards part I, it seems to me that the decision of the House just given would make the first part of this amendment meaningless.

Mr. President : The Honourable Member may move the second part of his amendment to sub-clause (1). The principle of the first amendment has already been dealt with by the House in the decision on Mr. Kelkar's amendment.

Khan Bahadur Sarfaraz Hussain Khan : Then, Sir, I move part (*ii*) of my amendment, which I have already read. My object in having this proviso really is that there should be no delay and people should not be put to any sort of inconvenience by any delay in giving them permit. I cannot blame the customs officer but there are many subordinates and, if nothing is provided here in the law as to the time within which the permit is to be given, the man who applies for a permit may have to wait there for a very long time and be put to much inconvenience. In our own places of residence we generally find that we have to wait long, at the time of the payment of Government revenue and cesses in courts, and are at times subjected to much harassment. But this sort of nuisance we feel even in our places of residence. But imagine the case of a man going out with all sorts of goods, and ordinary things, such as rice, clothes and other moveable articles, kept and arranged in boxes. There he applies for a permit and, if there is some delay in issuing the permit there is no knowing to what hardship and inconvenience he will be put. It is for this reason that I wish, with a view to removing this hardship, to insert this proviso which will compel the officer there to issue the permit within a certain period. It may not be 48 hours, it may be more, but something must be put in, so that the people passing through unknown land who have very little time to stay, may not be inconvenienced. So, Sir, my proviso is drafted with a view to that. It runs :

" Provided that in all such cases, the permit shall be granted within 48 hours from the date of application for such permit."

That is the proviso which I wish to add to sub-clause (1) of clause 5.

Mr. A. H. Lloyd : Sir, in rising to oppose this amendment, I wish to make it clear that I do so not because I have the slightest objection to the grounds which the Honourable Member urged in support of it. The Customs administration of this country always makes it its constant effort to see that members of the public are delayed as little as is possible, compatibly with the due performance of the duties of the Customs Department, in passing its goods. And that any delay so long as 48 hours can possibly occur—except conceivably in the case of a consignment sent during a series of close holidays,—say, when Christmas day is followed by a Sunday—is to my mind entirely out of the question. (*Khan Bahadur Sarfaraz Hussain Khan* : "May I ask if a longer time might be accepted ?") I am prepared, Sir, in ordinary circumstances to agree that 12 hours would be an excessive limit, and I am also prepared to give an assurance—as representing the Central Board of Revenue—that in a case of disciplinary action against a Customs officer who detains a consignment five minutes longer than is necessary he will be dealt with as an offender. But my objection to this amendment is not in principle at all. I do object to it as being entirely and totally unnecessary. I must also point out that, apart from its substance, in the way it is drafted it is quite impossible. It is drafted as a proviso to sub-clause (1). Now sub-clause (2) of the clause deals with the payment of duty ; sub-clause (1) does not. The proviso should certainly be added to sub-clause (2) because we cannot put upon a customs officer a statutory obligation to grant a certificate until after the duty has been paid and the customs officer cannot be responsible that the duty is paid within 48 hours of the date of application. That is within the power of the party concerned. Moreover, if it was added as an amendment to sub-clause (2) of clause 5, the wording would have to be altered so as to bear some relation not to the date of application or not exclusively to that date, but also to the date of payment of duty or of verification that the goods are free of duty. I think, therefore, Sir, that it will be agreed that the amendment which has been moved is quite unworkable and also I hope that the House will accept the assurance of one of the representatives of the administrative department in this matter that it is totally unnecessary. All customs officers are consistently impressed with the duty of seeing that no applications for passing goods are subjected to any avoidable delay. I therefore oppose the amendment.

Mr. President : Amendment moved :

"That to sub-clause (1) of clause 5, the following proviso be added :

'Provided that in all such cases, the permit shall be granted within 48 hours from the date of the application for such permit'."

The motion was negatived.

Clause 5 was added to the Bill.

Clause 6 was added to the Bill.

Mr. V. J. Patel (Bombay City : Non-Muhammadan Urban) : Sir, I beg to move the following amendment :

"In clause 7, for all the words occurring after sub-clause (*c*), the following be substituted, namely :

'shall be liable on conviction by a Magistrate to a penalty not exceeding, when the goods are not dutiable, fifty or, where the goods or any of them are dutiable, one thousand rupees and the Magistrate may further direct in respect of dutiable goods that the same be confiscated'."

Sir, in the clause as it stands it is not stated who is to impose the punishment on the offenders. I will read the clause :

"Any person who :
(a) .....
(b) .....
(c) .....

shall be liable to a penalty not exceeding, where the goods are not dutiable, fifty or, where the goods or any of them are dutiable, one thousand rupees, and any dutiable goods in respect of which the offence has been committed shall be liable to confiscation."

who is to impose this fine and to order the confiscation of the property is not clear from the clause itself. Presumably, it means, if it means anything at all, that the customs officers themselves who are to detect these offenders are invested with the powers to fine them and confiscate the goods. It is on principle that I have put forward this amendment. My view is that persons charged with detecting the offences should not also be the persons charged with the duty of convicting the accused persons, otherwise the prosecutor and the Judge would be one and the same person. It is therefore on a fundamental principle of criminal law that I have based my amendment. I realise the difficulty that this course would involve the employment of additional staff for taking accused persons to courts and giving evidence there, and all sorts of things, but these inconveniences we have got to put up with. It is not right that a person who detects the offence should also be invested with the power of punishing the offender. It may be said that some customs officers of a higher grade would deal with the accused persons and punish them. But that is not enough, because, whether it is a high officer of customs or whether it is a subordinate officer of customs, whoever it is, the fact remains that the customs officer is the investigating officer, and it is not right that he or his superior should be allowed to prosecute and punish them. Sir, I know that there are fairly large number of legal practitioners in this House and I appeal to them in the name of criminal law that they should not allow such a thing to be done. I beg to move my amendment.

The Honourable Sir Basil Blackett : Sir, I hope the House will not accept this amendment.

Mr. V. J. Patel : Not even this ?

The Honourable Sir Basil Blackett : As the House is aware, this matter was discussed in the Select Committee and the amendment was not accepted. There are very clear reasons for not accepting it. In the first place, what we are doing here is passing a Bill for the purpose of the collection of land customs on one or two very small frontiers of European settlements in India and in particular for dealing with the case of Burma. The amount that we do collect on land customs and the amount that we shall collect is a very very small proportion of the total amount that we collect under the head "Customs" generally. This provision that the fine in cases of this sort is decided by the executive customs officer applies to the whole of our customs duties as they are at present. That is to say, something over 40 crores of duty will remain in the condition that the decision will be taken by the customs officers, and if this amendment is accepted, in respect of a few lakhs of our customs duty there will be a different procedure, namely, conviction before a magistrate. This is a very small item in a very large customs revenue that we are dealing with here, and it is obviously not desirable to introduce quite a different and new procedure for the purpose of a very small part of the customs duty as a whole. If it is desirable to make any amendment,

[Sir Basil Blackett.]

the opportunity will arise when the Sea Customs Act comes under revision, which must be in a very short time—almost certainly next year. It will then be possible to deal on its merits with the very general question of the limits within which it is desirable to give the duty of deciding the penalty to an executive officer and whether it is desirable to bring in the judiciary. I would also urge on the merits that it is very undesirable in the case of these small fines, where the facts are nearly always perfectly clear, to complicate the procedure by reference to a court of law, which after all can only take the facts probably direct from the customs officer, and it will not make any serious difference to the decision in the case, whereas, if there is any kind of abuse of power by the customs officer, there is under the existing law full provision for appeal, and well defined limits as to the extent to which an individual officer may impose a penalty. There is a hierarchy laid down and only an officer higher up is allowed to levy a larger penalty. There is a final appeal to the Central Board of Revenue and to the Government of India, and there is the opportunity, in the very unlikely event of abuse, of a question in this House. I would, therefore, strongly urge the House to leave this Bill as it stands. It only follows the exact precedent already in existence, and if it desires, when the time comes, to take up the question of executive *versus* magisterial inquiry, to take that up on the Sea Customs Act, if necessary.

Mr. M. A. Jinnah (Bombay City : Muhammadan Urban) : May I request the Honourable Member to read out those sections which deal with the powers of the different grades of officers to inflict penalty and the section which gives the right of appeal ?

The Honourable Sir Basil Blackett : Section 182 of the Sea Customs Act says :

"In every case (except the cases mentioned, which are not important here) in which, under this Act, anything is liable to confiscation or to increased rates of duty, or any person is liable to a penalty,

such confiscation, increased rate of duty or penalty may be adjudged—

(*a*) without limit, by a Deputy Commissioner or Deputy Collector of Customs, or a Customs-Collector ;

(*b*) up to confiscation of goods not exceeding two hundred and fifty rupees in value, and imposition of penalty or increased duty not exceeding one hundred rupees, by an Assistant Commissioner or Assistant Collector of Customs ;

(*c*) up to confiscation of goods not exceeding fifty rupees in value, and imposition of penalty or increased duty not exceeding ten rupees, by such other subordinate officers of Customs as the Chief Customs authority may, from time to time, empower in that behalf in virtue of their office :

Provided that the Chief Customs authority may, in the case of any officer performing the duties of a Customs-Collector, limit his powers to those indicated in clause (*b*) or in clause (*c*) of this section, and may confer on any officer, by name or in virtue of his office, the powers indicated in clauses (*a*), (*b*) or (*c*) of this section."

Section 188 deals with appeal and runs :

"Any person deeming himself aggrieved by any decision or order passed by an officer of Customs under this Act may, within three months from the date of such decision or order, appeal therefrom to the Chief Customs-authority, or, in such cases as the Governor General in Council directs, to any officer of Customs not inferior in rank to a Customs-Collector and empowered in that behalf by name or in virtue of his office by the Governor General in Council.

Such authority or officer may thereupon make such further inquiry and pass such order as he thinks fit, confirming, altering or annulling the decision or order appealed against :

Provided that no such order in appeal shall have the effect of subjecting any person to any greater confiscation, penalty or rate of duty than has been adjudged against him in the original decision or order.

Every order passed in appeal under this section shall, subject to the power of revision conferred by section 191, be final."

Section 191 reads :

"The Governor General in Council may, on the application of any person aggrieved by any decision or order passed under this Act by any officer of Customs or Chief Customs-authority, and from which no appeal lies, reverse or modify such decision or order."

Mr. N. C. Kelkar : Sir, I rise to support the amendment moved by my Honourable friend, Mr. Patel. He has of course given to this House the common-place maxim of criminal jurisprudence that there should be no punishment without a trial. Let us apply our mind for a moment to the character of the penalties involved in the operation of the Bill. There are three kinds of levies contemplated under the Bill, namely, the levy of increased duty, confiscation and punishment by fine. The first two are entirely left in the hands of the executive officers of the Customs Department, and should, I think, be quite sufficient both for prevention and redress—prevention because on suspicion they can detain the goods and subject them to examination and to the levy of duty if they are found to be liable to duty. And confiscation is of course a kind of redress. If goods are being smuggled, Government can get what they want by way of redress of the wrong in the particular case by seizure and confiscation of the goods.

Mr. A. H. Lloyd : May I interrupt the Honourable Member and point out that Mr. Patel's amendment says that confiscation also shall be carried before a magistrate ?

Mr. N. C. Kelkar : I am developing my own argument. You may apply as much of it as you like to the amendment. The House will eventually draw the balance, I suppose.

Now, the third penalty stands on an entirely different footing, and that is, punishment. With regard to that I say there must be a judicial trial. It has been said that whereas customs officers usually levy lakhs and lakhs of rupees under the Customs Act, why should we scruple to give the customs officer the powers necessary in this small matter ?

My answer to that is that it is not a question of the amount ; it is the question of the character of the penalty which you levy as punishment and not as duty. Now, let us see whether the operations of the Sea Customs Act, which is taken as the basis for the Land Customs Bill, have got any special features in them which justify the differentiation of the treatment of penal provisions in that particular Act from the treatment of penal provisions contained in similar other Acts. And, therefore, as instances of similar Acts of penal provisions, I will give you, Sir, a few of them. Take the Forest Act. Similar operations are involved, and contemplated therein. There is confiscation of particular property and eventually prosecution and fine. But what do we find under the Forest Act ? A forest officer, howsoever high he may be, is not entitled to adjudicate the penalty. He must send the offender to a criminal court. If he wants to punish the offender, he must send him to a magistrate. Then there is the Treasure Trove Act, section 20, which says :

"If the finder of any treasure does not.....he shall, on conviction before a magistrate, be punished with imprisonment for a term which may extend to one year, or with fine, or with both."

[Mr. N. C. Kelkar.]

Now, why should not a high officer of Government be given the power to confiscate the treasure trove and also inflict at the same time a heavy fine, realisable by the executive officer himself ? But that is not the case. Then I take the case of the Abkari Act of my own province. There you have also to do with contraband goods or goods upon which certain duties are leviable and an unlawful transaction in regard to such goods becomes an offence. What however do we find about the penalty ? It is not adjudicated by the executive officer but the offender has got to be regularly put up before a magistrate and punished. So is the case also with the Opium Act. Then, if in these parallel laws, we find that the executive officer is not entrusted with the power of trying the offender and punishing him off his own bat, why should the executive officer in this particular instance be invested with that power, with that special power ? Now, we are all quite content that the confiscation itself may be by the executive officer, but that power should meet the needs of the case. In the other Acts, even when magistrates are not specially mentioned,—of course I wish that to be mentioned also in the particular case here—it is presumed that the trial must be by a judicial tribunal. The mere absence of the words " trial by a magistrate " or " on conviction by a magistrate " does not obviate a trial by a magistrate ; and as an instance of that I will give you sections 61 and 62 of the Forest Act, in which there is no mention of a trial by a magistrate or conviction by a magistrate, but from the nature of the punishment, it is obviously presumed that the executive officer by himself cannot order the punishment. The punishment in that case is imprisonment or fine or both. When conviction by a magistrate is not explicitly mentioned in so many words, there is a provision in the Criminal Procedure Code, section 29, for procedure in those cases in which a special procedure is not stated in the penal clauses of particular Acts, other than the Penal Code. Section 82, no doubt, leaves adjudication of penalty to different grades of customs officers, and we are told that there is a kind of appeal from one officer to another ; but it is only an appeal from Caesar No. 1 to Caesar No. 2 and is in my opinion absolutely fruitless. Then, we are told that the present Sea Customs Act, on which the present Bill is based, does not contain a similar provision. My simple answer to that question is that two wrongs do not go to make one right. Nor am I going to be influenced by the assurance that the Sea Customs Act is going to be improved or redrafted next year. I do want to take time by the forelock, and as soon as a Bill of the present character comes before the House, I am entitled to ask the House to take the earliest opportunity to make the necessary amendments in it, if the House thinks that the amendments are proper ones. Now, look at the Sea Customs Act itself. It makes distinction between offences triable by executive officers and judicial officers. The Act does contemplate certain cases being sent to a magistrate and obtaining conviction at the hands of a magistrate. But mark what is the difference. All those provisions are intended for the protection of, at any rate they apply to, the cases of a particular class of persons and not the ordinary public. I will just mention a few. Section 23 applies to the pilot, section 26 to the master of a ship, section 74 to customs officers, 76 also applies to customs officers, section 77 applies to the police officers in the Customs Department. Now, there are two sections in this Schedule, namely, 72 and 80, which apply to ordinary persons, because the offences there are supposed to be of a graver character. If special mention of " conviction by a magistrate "

in these sub-sections is intended to give a kind of protection to the pilot, master and the customs officer, there is greater need of that protection for the common man. The customs officers are direct subordinates ; they are subordinates of the department itself. They can properly be punished even without going before a magistrate. If even these people are placed before a magistrate, the ordinary man who has absolutely nothing to do with the department must be sent to a magistrate and must be given a fair opportunity of a judicial trial. A reference was made to the proceedings of the Select Committee and my friend, Mr. Patel has broadly hinted, in fact, he even stated that the voting on this particular matter was lost by the vote of the Chairman of the Select Committee. Had it not been so expressly stated, I might not have referred to the proceedings of the Select Committee in this express manner. But I do it first because with regard to this point reference is made to the majority vote in the report itself of the Select Committees, and secondly, it has been expressly stated by Mr. Patel that the voting on this matter was lost by the vote of the Chairman of the Select Committee. There is also a further reason why I refer to it. On my last amendment a successful appeal was made by the Honourable Member to the legal acumen and the commonsense of lawyers. I challenge him now to make the same appeal in the matter of this amendment.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : Sir, there is a great deal of force in the principle which underlies this amendment and as we are asked to enact this piece of law, I do not think we should allow it to go without endorsing that principle. Now, I am concerned with sub-clause (*c*) of clause 7, which is the new clause introduced by the Select Committee. The first two clauses (*a*) and (*b*) relate to those cases where a man himself tries to pass and attempts to pass by land or conveys or attempts to convey by a route other than the route prescribed. But when you come to clause (*c*), on bare oral evidence without any goods even being there, a man may be convicted of having aided and abetted. The man may say that the goods were not there. But two witnesses may come forward and say that this man aided him to conceal the goods. The goods may not be found, but it may be said he has aided him successfully to conceal the goods. And on that statement the executive officer, without a judicial hearing, can convict the man of having aided and abetted and impose upon him a penalty to the extent of Rs. 1,000. A penalty is really a fine for having aided in breach of laws. What this clause contemplates is that certain laws are passed and when those laws are broken by citizens they are liable to penalty. What clause 7 creates is an offence and for that purpose punishment is provided for committing that offence. I do not know if a similar clause exists in the Sea Customs Act. (*The Honourable Sir Basil Blackett* : " Yes.") If it does then it is high time that we repeal that provision of the Sea Customs Act which enables the executive officer to levy penalties for breach of laws. I quite agree with my friend Mr. Kelkar that confiscation of goods should certainly be within the province of the executive officer. They are the dutiable goods which are attempted to be passed. But in other cases where the matter may purely rest upon oral evidence, without being subjected to cross-examination, without any judicial procedure whatever, the executive officer should not take upon himself to find that my Honourable friend Mr. Jinnah aided and abetted my Honourable friend Mr. Rangaswami Iyengar in smuggling goods and convict him to a penalty of Rs. 50 or Rs. 1,000, as the case may

[Diwan Bahadur T. Rangachariar.]

be. I do not think any Legislature should tolerate such an enactment. I therefore support the amendment of Mr. Kelkar which provides only in the case of penalty and leaves the confiscation untouched, and I do not support Mr. Patel's amendment as it goes too far.

Mr. President : Amendment moved :

" In clause 7, for all the words occurring after sub-clause (c), the following be substituted, namely :

' shall be liable on conviction by a Magistrate to a penalty not exceeding, when the goods are not dutiable, fifty or, where the goods or any of them are dutiable, one thousand rupees and the Magistrate may further direct in respect of dutiable goods that the same be confiscated '."

Diwan Bahadur T. Rangachariar : May I ask, Sir, that the amendment be put in separate parts. The first part of the amendment embraces Mr. Kelkar's amendment because he wants the Magistrate to intervene.

Mr. N. C. Kelkar : May I, Sir, formally move my amendment ?

Mr. President : The Honourable Member's amendment only refers to the imposition of a penalty.

The Honourable Sir Basil Blackett : I think it would be better if Mr. Patel withdraws his amendment and allows Mr. Kelkar to move his amendment.

Mr. V. J. Patel : Sir, I withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

Mr. President : Further amendment moved :

" That in clause 7, after the word ' shall ' where it occurs for the first time insert the words ' on conviction by a Magistrate '."

The Honourable Sir Basil Blackett : This amendment, Sir, obviously has not the same objections to it—not at least in the same strength—as the previous amendment. At the same time, I regret that I must still on behalf of the Government oppose this amendment. I do so with regret in view of the fact that Mr. Patel has quite clearly been trying to make constructive proposals to assist us in the matter. But we are really in this matter dealing with a question of very considerable importance and we are dealing with it in a minor connection. If this amendment is passed, it will alter the law in relation, as I said, to a few lakhs that we collect by land customs and will not alter the law in connection with sea customs. And it will prejudice the more general question which is bound to come up in connection with the Sea Customs Act. The Government are perfectly conscious that in the Sea Customs Act, as it stands at present, there are a good many amendments that are desirable and should be made. One desideratum no doubt is that a very careful review should be made of the cases in which executive action is taken without an appeal to a magistrate, to see whether it should be allowed to a magistrate. But I would strongly suggest to the House that it should hesitate to pass this amendment. It is usually far better in the interests of the individual that he should be dealt with summarily on the spot and that a fine of a rupee or whatever it may be should be imposed there and then and the matter settled than that he and the customs officer should both have their time taken up in going to the court. Also, he is less in a

position to secure redress if the case has been dealt with by a magistrate than if he has the right of appeal which the existing Statutes give right up to the head of the Government. Those appeals—I will not say they are very frequent—are occurring from time to time and there are many cases in which the Government of India do modify or even allow a complete remission of a fine or a penalty imposed. If you include this clause " on conviction by a Magistrate ", obviously the position of the executive at the head is very much more difficult. So, I would suggest to the House that as this is a matter which the Government themselves desire to be examined and will have examined, the House, therefore, should not import the principle into this particular Bill at a point where it is not found in the corresponding Sea Customs Act. It will only affect a few lakhs and leave 40 crores untouched.

Mr. M. A. Jinnah (Bombay City : Muhammadan Urban) : I am very glad, Sir, that Mr. Patel thought fit to withdraw his amendment and did not make any grievance that his amendment was rejected by the vote of the Chairman of the Select Committee. In regard to Mr. Kelkar's amendment, Sir, I would like to say that it stands on a somewhat different footing. It has received some support from my Honourable friend Mr. Rangachariar, but I can appreciate his point. Mr. Kelkar's amendment does not confine itself to sub-clause (*c*). Mr. Rangachariar's point was that if a person is hauled up before a customs officer on a charge of aiding and abetting, to put it very shortly, the smuggling of dutiable goods, then, in that case, the executive officer, namely, the customs officer, would be entitled to deal with him. And if he found that that man was guilty of aiding and abetting, he would inflict a fine upon him, and that Mr. Rangachariar says is a thing that ought not to be allowed. I was saying that I fully appreciate that point. And if that was only to be remedied, then Mr. Kelkar's amendment must be confined to sub-clause (*c*), in the first instance. Sir, I entirely believe, and no man appreciates or believes more firmly in this principle, that no man's property or liberty should be touched without a judicial trial. And I shall be the last man to do anything in the least degree to undermine that principle which is so dear to everyone. We thought, as Sir Basil Blackett has put it in the Select Committee that, instead of trying to get a little bit here in this particular Bill, which, after all, is of a limited character, and as Government have given us the assurance that the whole question is going to be reconsidered under the Sea Customs Act in the very near future, it would be better for us to wait.

But I say that if this amendment were merely confined to clause 7, sub-clause (*c*), I would support it, but that is not the amendment.

Mr. President : The original question was :

" That clause 7 stand part of the Bill."

Since which an amendment has been moved :

" That after the word ' shall ', where it occurs for the first time, insert the words ' on conviction by a Magistrate '."

The question is that that amendment be made.

The Assembly divided :

AYES—40.

Abdul Karim, Khwaja.
Abhyankar, Mr. M. V.
Acharya, Mr. M. K.
Aiyangar, Mr. C. Duraiswami.
Aiyangar, Mr. K. Rama.
Aney, Mr. M. S.
Badi-uz-Zaman, Maulvi.
Belvi, Mr. D. V.
Das, Mr. Nilakantha.
Duni Chand, Lala.
Dutt, Mr. Amar Nath.
Goswami, Mr. T. C.
Govind Das, Seth.
Gulab Singh, Sardar.
Hans Raj, Lala.
Iyengar, Mr. A. Rangaswami.
Kazim Ali, Shaikh-e-Chatgam Maulvi Muhammad.
Kelkar, Mr. N. C.
Lohokare, Dr. K. G.
Malaviya, Pandit Krishna Kant.
Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jamnadas M.
Misra, Pandit Shambhu Dayal.
Misra, Pandit Harkaran Nath.
Naidu, Mr. M. C.
Nambiyar, Mr. K. K.
Narain Dass, Mr.
Nehru, Dr. Kishenlal.
Nehru, Pandit Motilal.
Nehru, Pandit Shamlal.
Patel, Mr. V. J.
Piyare Lal, Lala.
Rangachariar, Diwan Bahadur T.
Ray, Mr. Kumar Sankar.
Samiullah Khan, Mr. M.
Singh, Mr. Gaya Prasad.
Sinha, Kumar Ganganand.
Tok Kyi, Maung.
Venkatapatiraju, Mr. B.
Yusuf Imam, Mr. M.

NOES—61.

Abdul Qaiyum, Nawab Sir Sahibzada.
Abul Kasem, Maulvi.
Ahmad Ali Khan, Mr.
Ahmed, Mr. K.
Ajab Khan, Captain.
Akram Husain, Prince A. M. M.
Alimuzzaman Chowdhry, Mr.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Bray, Mr. Denys.
Burdon, Mr. E.
Calvert, Mr. H.
Chalmers, Mr. T. A.
Chatterjee, The Honourable Mr. A. C.
Cocke, Mr. H. G.
Crawford, Colonel J. D.
Dalal, Sardar B. A.
Das, Mr. Bhubanananda.
Datta, Dr. S. K.
Duval, Mr. H. P.
Fleming, Mr. E. G.
Ghazanfar Ali Khan, Raja.
Ghose, Mr. S. C.
Ghulam Bari, Khan Bahadur.
Gidney, Lieut.-Colonel H. A. J.
Hezlett, Mr. J.
Hindley, Mr. C. D. M.
Hira Singh, Sardar Bahadur Captain.
Holme, Mr. H. E.
Hudson, Mr. W. F.
Hussanally, Khan Bahadur W. M.
Hyder, Dr. L. K.
Innes, The Honourable Sir Charles.
Jinnah, Mr. M. A.
Kasturbhai Lalbhai, Mr.
Lindsay, Mr. Darcy.
Lloyd, Mr. A. H.
Mahmood Schamnad Sahib Bahadur, Mr.
Monerieff Smith, Sir Henry.
Muddiman, The Honourable Sir Alexander.
Nag, Mr. G. C.
Neogy, Mr. K. C.
Parsons, Mr. A. A. L.
Purshotamdas Thakurdas, Sir.
Ramachandra Rao, Diwan Bahadur M.
Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed.
Raj Narain, Rai Bahadur.
Reddi, Mr. K. Venkataramana.
Rushbrook-Williams, Prof. L. F.
Sams, Mr. H. A.
Sarda, Rai Sahib M. Harbilas.
Sastri, Diwan Bahadur C. V. Visvanatha.
Setalvad, Sir Chimanlal.
Shams-uz-Zoha, Khan Bahadur M.
Singh, Rai Bahadur S. N.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Tottenham, Mr. G. R. F.
Webb, Mr. M.
Willson, Mr. W. S. J.
Wilson, Mr. R. A.

The motion was negatived.

Khan Bahadur Sarfaraz Hussain Khan : Sir, the amendment that stands in my name reads as follows :

" In clause 7, for the words ' where the goods are not dutiable, fifty or, where the goods or any of them are dutiable, one thousand rupees and any' the following be substituted, namely :

' One hundred rupees where dutiable goods are mixed with goods which are not dutiable and the portion of the '."

My object is that the dutiable goods will be confiscated and for non-dutiable goods there shall be no penalty.

That is my only object, and if the Honourable Member in charge will satisfy me on the point, I will not press my amendment.

Mr. A. H. Lloyd: Sir, I am afraid I cannot give the Honourable Member the assurance which he asks for for the simple reason that if his amendment were carried, every smuggler would find it the simplest thing in the world to put one tabloid of quinine into a case full of matches, and because the goods became mixed in consequence, therefore the maximum penalty would be reduced from Rs. 1,000 to Rs. 100. I would just like to make one more point. Section 21 of the Sea Customs Act is one of the sections which we hope is to be extended by the Schedule to this Bill, and that section provides that:

"goods whereof any article liable to duty under this Act forms a part or ingredient shall be chargeable with the full duty which would be payable on such goods if they were entirely composed of such article."

That deals with genuinely mixed goods, and for that reason also I must oppose the amendment.

Mr. President: The question is that that amendment be made.

The motion was negatived.

Clauses 7, 8, 9, 10 and the Schedule were added to the Bill.

The Title, Preamble, and clause 1 were added to the Bill.

The Honourable Sir Basil Blackett: I move, Sir, that the Bill be passed.

Mr. President: The question is that the Bill, as amended by the Select Committee, be passed.

The motion was adopted.

The Assembly then adjourned for Lunch till Three of the Clock.

The Assembly re-assembled after Lunch at Three of the Clock, Mr. President in the Chair.

THE INDIAN MERCHANT SHIPPING (AMENDMENT) BILL.

Mr. J. W. Bhore (Secretary, Department of Education, Health and Lands): Sir, I understand that many Muhammadan gentlemen, Members of this House, desire further opportunity to satisfy themselves in regard to certain important questions connected with this Bill. In deference to their desire, I do not propose to move my motion* to-day.

THE PROVIDENT FUNDS BILL.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I beg to move:

"That the Bill to amend and consolidate the law relating to Government and other Provident Funds, as passed by the Council of State, be taken into consideration."

Sir, this Bill is a consolidating and amending Bill, but the scope of the original law is not altered. I should like, in the first place, to make

* "That the Report of the Select Committee on the Bill to amend the Indian Merchant Shipping Act, 1923, for certain purposes, be taken into consideration."

[Sir Alexander Muddiman.]

it perfectly clear to the House what the scope of this Bill is. It deals with three classes of Provident Fund and the three classes of Provident Fund only. It deals with Government Provident Funds ; it deals with Railway Provident Funds, and if Honourable Members will look at the Bill they will see that clause 8 of the Bill enable Funds of local bodies to be dealt with under the Act. Therefore there are these three classes of Funds only. I would call the attention of the House to the fact that in each case the Bill deals with Funds constituted by employers and relates to employees. A further point which indicates the scope of the Bill is the fact that the employer in each case is a public or semi-public body—Government, Railway or a local authority. I have endeavoured to make that clear because I see there is an amendment on the paper which appears to me to show that in one point at least the scope of the Bill has been misunderstood.

Now I need not detain the House at any great length on the actual provisions of the Bill because they very largely reproduce the existing law ; but there are certain amendments to which I must invite the attention of the House. In the first place, the law as it stands gives special protection to the widow and children of persons who are subscribers to or depositors in Provident Funds. The Bill now before the House widens the scope of that protection. It includes in that protection dependants. If Honourable Members will refer to the definition in clause 2 (*c*), they will see who are included in the term " dependants ". They are very much the same persons as are specified in the Workmen's Compensation Act. I think this provision will probably commend itself to all sections of the House. They include persons who may be just as dependent on the subscriber to the Provident Fund as the wife and children of the original law. I might draw the attention of the House to the fact that in extending the protection we save any existing rights subject to that the " dependants " will benefit in the same way as the wife and children did under the old law, and the sums payable to them will vest in them and not be included in the estate of the deceased depositor. That, Sir, is the first amendment of substance.

The second point in the Bill is that it makes it clear that in respect of compulsory deposits, the depositor or his dependants or nominees, as the case may be, shall receive intact the accumulation at the credit of the depositor or subscriber to the fund. That statement is the general statement. It is subject, however, to certain exceptions. Naturally we do not make the Bill restrospective in this respect. We save any rights of third parties which have accrued before the Bill comes into operation. We also have a saving in connection with the power to make deductions which is conferred by clause 6 of the Bill. To that clause I will draw the specific attention of the House later on.

The next amendment made by the Bill is this. Under the existing law the deposits or subscriptions can be paid by the disbursing authority without the production of letters of probate or administration or a succession certificate up to the value of Rs. 2,000. We propose to raise that limit to Rs. 5,000. We feel that it is desirable that persons who are likely to benefit by these Provident Funds are often probably in straitened circumstances and should be able to receive the benefits of the Fund with as little red-tape and formality as is compatible with

safety. And we think by raising this limit up to Rs. 5,000 we shall risk nothing to the State and confer a distinct benefit upon the beneficiaries who *ex hypothesi* will be persons in need of prompt payment.

The fourth point in the Bill is that contained in clause 5 which deals with the right of nominees. We have now made clear the position as to the right of nominees. Once a nomination has been made by a depositor, it cannot be changed except by another nomination made in like manner and cannot be affected by any other disposition whether testamentary or otherwise. The depositor, if he wishes to do so, must change his nomination. Now the object of that is merely to simplify payments and to prevent as far as possible the possibility of dispute.

I now turn to clause 6. It is in respect of this clause that this is the only amendment on the paper which shows any opposition to any of the clauses of this Bill. Now let me invite the attention of the House, in the first place, to what are the deductions that may be made under clause 6. First of all, deduction is only in respect of those contributions which have been made by the employer. The clause deals with contributory funds and it deals with those amounts which the employer has put into the fund. Anything that the subscriber or depositor has put into the fund is not touched. In the first place, this clause enables deductions to be made in respect of liability incurred to the authority in charge of the fund. Now the liability of course must be a legal liability. If it is not a legal liability it is not a liability at all. If therefore the authority deducts a sum which is not due, that is not a liability and is an illegal deduction. Therefore I do not think it will be necessary to make any provision for that. The second point is that the same portion of the fund—that is, the portion contributed by the authority—may be withheld in case of dismissal. Now I must invite the House to regard these contributions by the employer as something in the nature of a pension, as a substitute for a pension. Now, if a man is dismissed he will not normally have any right to a pension. In this case all the employer does is to get back what he has put into the fund. What the man put into the fund is not touched. I wish to make that point clear.

Mr. Chaman Lall (West Punjab : Non-Muhammadan) : I do not want to interrupt the Honourable Member, but may I ask whether that is made quite clear in the Bill itself ?

The Honourable Sir Alexander Muddiman : If the Honourable Member had listened to me, he would have seen that I was referring to clause 6.

Mr. Chaman Lall : Is there any particular wording here which makes it perfectly clear that it is only that class of contribution that is affected ?

The Honourable Sir Alexander Muddiman : I think so ; if the Honourable Member will refer to clause 6 coupled with the definition of contribution in clause 2 (*b*) of the Bill, I think he will see that that is so.

Then, Sir, what else does this clause permit to be done ? I have referred to the question of dismissal ; I now come to the question of resignation. Clause 6 says that where a man resigns within five years of the commencement of his employment the contribution of the employer may be paid to the employer ; in other words, it does not provide for a pension or gratuity within five years. If you take any normal pension system you will not find that a man earns pension within five years ; so this does not seem to me to be an unreasonable provision. I emphasise again that it has to be remembered that what the man puts into the fund he gets back.

[Sir Alexander Muddiman.]

Now, Sir, I observe that there is on the paper a motion that this Bill should be referred to a Select Committee. The House is well aware that I am not one of those who are at all in favour of hasty legislation. On the other hand, I think when there is a motion on the paper for reference to Select Committee there should also be on the paper a sufficient number of amendments to raise a *prima facie* case for such a course. In this case there are very few amendments on the paper. One class of amendments is entirely outside the scope of the Bill and as regards the other class they merely affect clause 6. I therefore do hope that the House will not press the motion for reference to Select Committee in this case, but will decide the very small point outstanding by discussion on the clause. This is a Bill which, whatever evil things may proceed from the Home Department, is purely beneficent. On this occasion I am moving for the benefit of the poor and for the benefit of those who are connected with Provident Funds. Sir, I make the motion that stands in my name.

Mr. President: The amendment standing in the name of Mr. Rama Aiyangar is out of order, as it is outside the scope of the Bill as presented. The question is that this Bill be taken into consideration.

Dr. K. G. Lohokare (Bombay Central Division : Non-Muhammadan Rural) : Sir, I take this opportunity of first congratulating the Honourable the Home Member on such portions of the Bill as are really in advance of the former provisions. I must say, however, that it is not all unmixed milk and I am sorry that I have to solicit his attention to that portion of it. I speak with particular reference to clause 6, which improves upon the provisions of section 4 (2) of the Provident Funds Act, 1897 ; that section provided that any sum standing to the credit of any subscriber to or depositor in any such fund at the time of his decease is payable under the rules of the Fund or this Act to the widow or children free from any debt or any liability incurred by the deceased or incurred by the widow or by the children or by any one or more of them before the death of such subscriber or depositor. This is the section which was in force then. The new clause does not contemplate such a contingency. The employer with his usual usurious methods is given the power to take away whatever he likes from at least a portion of the fund. I have in my amendment defined the method by which the employer is entitled to draw upon the contributions given by the employee. Clause 7 says :

> "No suit or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done under this Act."

I think this deprives the employee of the right to get satisfaction as regards any liability. The Honourable the Home Member has just said that the liability is legal liability ; but I doubt whether clause 7 will make it a legal liability. It therefore remains open to doubt and I do not want to allow any loophole in this case. I hope therefore that the Honourable the Home Member will at least take this amendment into consideration in order that his own intentions may be carried out.

Now, Sir, the word "liability" itself has many meanings. It may be pecuniary liability ; it may be liability which might arise out of the responsibility of the duties of an employee.

Mr. President: Before I allow the Honourable Member to proceed, I must tell him that he is really discussing his own amendment to clause 6. I think he had better wait and allow the motion for taking the Bill into

consideration to be carried ; and when we come to clause 6 he can raise those points in their proper place. The question is that the Bill be taken into consideration.

The motion was adopted.

Clauses 2, 3, 4 and 5 were added to the Bill.

Dr. K. G. Lohokare : I beg to proceed with the argument that I was just developing, Sir. The word " liability " may have different meanings.....

Mr. President : Does the Honourable Member move his amendment to clause 6 ?

Dr. K. G. Lohokare : Yes, Sir, I formally move the amendment :

" That in clause 6, to sub-clause (*a*), the following proviso be added :

' Provided that the liability is proved by a competent court of law '."

I shall give an illustration. If a goods clerk or loading foreman or marker commits a mistake in numbering bags, the bags may be transmitted to an unknown destination and may perhaps be lost on that account. Somebody else might take away the bags. The mistake of this foreman in numbering the bags entails a liability in which he is concerned. Consequently, the employer may say that the cost of the bags is a liability incurred by the employee. And in this case, even when the real culprit is somebody else, without even a judicial hearing, it is probable that out of the proceeds of the Provident Fund money may be deducted which to an old man in long service would be far more valuable than what the power in the clause would contemplate. Consider, Sir, the case of a man of long service, to whom administrative punishment in the form of dismissal is far greater in such cases. We might consider the term " liability " in other circumstances too. If it is only an administrative fine at the time of dismissal or at the time of resignation I do accept that the administration must have full authority to realise that fine, but in this case, Sir, generally the man's pay is in arrears. A few days' pay at least is in arrears. In Railway concerns at least a man is paid on the 20th of the month following that in which it is due, and in such cases generally the employer has not less than 20 days' pay in his own pockets. If it is an administrative fine for a mistake, it might be a fine of a couple of rupees or ten rupees or fifteen rupees, and that is automatically provided for by the arrangement of payments to be made. But the clause is something more than that. It means for the man something which is substantial and it is therefore desirable that such cases should have a proper hearing at least. I therefore define the word " liability " in this way and then put it down " provided that the liability is proved by a competent court of law ". That is my first amendment, Sir.

The Honourable Sir Alexander Muddiman : Sir, I really dealt with this point in my opening speech. The liability must be pecuniary liability ; the sort of thing which would happen if a man has been overpaid or if he owed the employer rent. We ourselves I think in the Civil Service, before we are allowed to take our pension, have to get a clean certificate, that is, a discharge implying that we do not owe Government anything or that we have not taken away an inkpot. I suggest to the Honourable Member that his amendment really is not necessary. If anything is deducted which is illegal then it will not be recoverable. Also, I notice he has another amendment which really does arise under this

[Sir Alexander Muddiman.]

He proposes to insert the words " except as provided in section 6 (*a*) " in clause 7. There again, I assure him that it is really not in the least necessary. Clause 7 saves people who do things under the Bill, that is, it saves the paying officer. It does not save the person who receives money—it is the disbursing authority it saves. I really think the Honourable Member's anxiety on this point is quite unnecessary.

Mr. N. M. Joshi (Nominated : Labour Interests) : Sir, I rise to support the amendment moved by my friend, Dr. Lohokare. But I want to make it clear that, although I am supporting his amendment, I am opposed to the whole clause. In the first place, I am opposed to the principle of any employer having the power of making any deductions from any amount of money due to an employee. Sir, the Honourable the Home Member, while making his speech on the proposal for the consideration of this Bill, said that these deductions are to be made only from the contribution which the employer puts into the provident fund and therefore the employee has not got much complaint to make. I do not agree with this principle at all. I believe, Sir, either the pension or the contribution by the employer to any provident fund is a part of the salary earned by the employee for the services rendered. It is not a favour conferred by the employer upon the employee but it is a part of his salary which he has earned by his work. Therefore, the employer has no right to deduct anything from that part of the pension fund or of the provident fund. This principle, namely, that the pension or the contributions to the provident fund is for services already rendered will be approved by many people. I remember, Sir, discussions in the press as well as elsewhere on this question when there were proposals for stopping the pensions of General Dyer and Sir Michael O'Dwyer, and I have read in the newspapers people saying on behalf of Sir Michael O'Dwyer and General Dyer that we cannot take away their pensions because they had a right to get their pension. A pension has been given to an employee for services already rendered and no employer has a right to take it away from him. I therefore feel that it is not right for any employer, whether that employer be the Government or a Railway, to take anything from what his employee has already earned, and I maintain that the contribution by an employer to a provident fund is a part of his salary. It is only a deferred payment of his salary. The salary was due to him ; but payment was not made. It is a deferred payment of his salary. Therefore, Government or the Railway Companies have no right to deduct anything from that part of the provident fund which the Railway or the Government contribute. When Government put something in the provident fund on behalf of their employee, that money has been paid to him and therefore they cannot take it back. Moreover, Sir, I am opposed to the principle of employers making any deductions from the employees,—whether it be a fine imposed upon them by the employers which may be the Government or the Railway Companies. Sir, in England the Government had to legislate in order to regulate the right of the employers to deduct fines from the salaries of the employees or from the wages of the employees. This legislation is known as the Truck Acts. Now Government may say they are immune from such legislation. But I do not know why Government or the Railway Companies should be immune from such legislation. Moreover, Sir, Government also have accepted in this country that certain deductions should not be allowed to be made from the salaries of at least low-paid servants. We have ourselves got legislation here that those people whose salaries

are less than Rs. 80 or so—I do not know the exact sum just now—no deductions shall be made from the monthly wages of such employees. I therefore do not know why Government should introduce this clause in this Bill at all. Moreover, this clause is newly introduced by Government. It was not found necessary for so many years and I do not know what necessity Government feel to-day for introducing this legislation. Government have shown no reasons. They have shown no circumstances which have compelled them to introduce new clauses. I therefore want to support this amendment, making it clear that, although I am supporting this amendment, I reserve to myself the right of opposing this whole clause.

Mr. C. D. M. Hindley (Chief Commissioner, Railways) : Sir, I am afraid I am not able to go hand in hand with Mr. Joshi in the enunciation of the great principle that he has referred to. I am willing to go a good deal of the way with him and I am very strongly in favour of a large measure of immunity from any depredations by outside authorities on these contributions paid by the employer to the employé in respect of his service. At the same time I do not think Mr. Joshi can expect us to accept the position that having a legal debt owing to us, we ought to be prohibited from collecting it at the time of disbursement.

Mr. N. M. Joshi : May I ask one question, Sir ? Will a private creditor be allowed to take his money from these contributions ?

Mr. C. D. M. Hindley : I am not a lawyer. I am talking about the general position and I want to make the position as I see it clear from the practical point of view. I may claim to have a little experience in this matter, having been a manager of one of the largest Provident Funds in India for a period of about five years. I therefore came into very close contact with the whole method of disbursements and the claims of employés in regard to Provident Funds. One of the things which impressed me at that time, and which has impressed the Government was the complaints that we received from the men about delays in getting their payments. Now, a great deal of the legislation which is embodied in this Bill is designed towards facilitating payments to the men of their money. The burden of the work of dealing with these claims and disbursements is a very large one in respect of the smaller paid employés. The larger amounts are much easier to deal with. They are clear cut. But there are a very large number of men retiring constantly and drawing their provident fund money and it is of the utmost importance, as I am quite certain Mr. Joshi will agree, that they should be paid promptly and without difficulty. Now, in ordinary practice, the deductions which are made at the time of disbursements are such as the employé himself would readily recognise as his liability. They are simple matters.....

Mr. N. M. Joshi : If he recognises, he will pay it himself.

Mr. C. D. M. Hindley : May I go on without interruption, Sir ? They are such as the employé himself would ordinarily recognise to be an obligation. I refer to such matters, for instance, as rent,—where he pays rent for his quarters and where the rent has not actually been paid,—or where he has been supplied with uniform on payment and payment is due from him, and matters of that sort. Will Mr. Joshi say that the employer has no right whatever to take money which is due to him in respect of goods supplied ? Those are the things, Sir, which will come to be deducted at the time of disbursement. I again say that I am afraid I am not

[Mr. C. D. M. Hindley.]

competent to speak on the legal aspect of this matter, but I am, I hold, competent to speak on the practical effect on the payments to the employé. Mr. Joshi is quite rightly and honestly endeavouring to protect the employés from unjust deductions by the employer. I say that it is much more important, having regard to the fact that the employer must act in a legal manner under the provisions of this Bill, to remove the causes of delay in payments at the time of payment, when that payment becomes due. If it is necessary for the employer to take the case into court and get an order of the court for every deduction that has to be made, I think Mr. Joshi will see at once that there is likely to be very serious delays in payments. I understand that the right of the employé himself to sue in the case of illegal deduction is perfectly clear and is not altered in any way by this Bill. I therefore, in the interests of the employés—these interests, Sir, are as much mine as Mr. Joshi's—would ask the House to reject this amendment.

Mr. Chaman Lall (West Punjab : Non-Muhammadan) : Sir, I think the point that Mr. Joshi made perfectly clear has not been met by the Honourable Mr. Hindley. The point is a very simple one, namely, the right of an employer to deduct his portion of the Provident Fund from the fund deposited with him by the employé. The point that Mr. Hindley was discussing was this, whether an employer has any right whatsoever to obtain his rightful dues from an employé in the shape of rent or goods supplied or things of that description. That is not covered by sub-section (*b*) of clause 6. We are discussing sub-section (*b*) of clause 6. We desire,—and I hope the Honourable the Home Member will accede to the request of this Assembly—that this particular clause should be deleted from this Bill. Otherwise, it is a very good Bill. I am certain that every Member of this House will congratulate the Honourable Member on his Bill. What we want to make perfectly clear is this, that a provident fund contribution is paid to an employé as a result of services rendered to the employer. Further, it is usual when an employé is engaged in these circumstances that he is not given the average market rate of wages, so that this provident fund contribution by the employer to the employé is in the shape of wages deferred. I see no reason in these circumstances why this particular portion of the Provident Fund should be deducted whether in the case of dismissal or resignation of the employé. We have known examples—numerous examples during the last four years.....

Mr. C. D. M. Hindley : May I rise to a point of order, Sir ? The Honourable gentleman seems to be referring to deductions in the case of dismissals. That is not under discussion at the moment, I understand.

Mr. President : Is the Honourable Member referring to sub-section (*b*) of clause 6 ?

Mr. Chaman Lall : I am, Sir.

Mr. President : The amendment moved is to sub-section (*a*).

The original question was :

" That clause 6 stand part of the Bill."

Since which an amendment has been moved :

" In clause 6, to sub-clause (*a*), the following proviso be added :
' Provided that the liability is proved by a competent court of law '."

The question is that that amendment be made.

The motion was negatived.

Dr. K. G. Lohokare : Sir, I beg to move :

" In sub-clause (*b*) of clause 6, omit the following words ;

' where the subscriber or depositor has been dismissed from the employment of that authority, or '."

Sir, this amendment is not so light as the last amendment. I request herein that a case of dismissal should be excluded from this clause. I beg to point out, Sir, the various causes for dismissal. The first is a very wide thing, namely, misconduct, which can be expressed to cover anything that the employer may choose. If a superior officer is dissatisfied with the work of a man, he is free to dismiss him under many circumstances. In such cases, dismissal of the man, especially of a man with long service, is more than sufficient punishment to the employee. In addition to it, this clause gives power to the employer to deprive him of a certain amount, with which he might meet his rainy days. In case where a misconduct may be in the eyes of an officer a thing sufficient to be punished with dismissal, it may not be in the eyes of many misconduct sufficient to deprive him of the benefits of the provident fund, particularly in the case of persons who have put in long service. The second is much more in the case of Railways, small accidents, minor accidents, in which case the man is dismissed for the sake of discipline. In these cases, Sir, if it is provided for by law that the man will lose at least half of his provident fund, it is more than a misery to his further life. First he loses his employment and then the poor man misses whatever he has expected to lay by for his rainy days. The pay of the Indian subordinate in the Railways is not sufficient to keep his body and soul together, for his wife and children and his dependants. I have seen that many railway employees, many subordinate railway employees, can scarcely afford to give their children a high school education. No wonder, then, that they cannot lay by anything for their children. If, under these circumstances, a man after a long service in addition to being dismissed is to be deprived of a certain amount which the poor man expects would be useful in his rainy days, I think the punishment is more than he deserves. Thirdly, in these days, the railway management, allow me to submit, Sir, are very unsympathetic. We here ask so many questions regarding railway employees and the replies are " we do not interfere in the management ". What are these offences ? Working for the union, Sir. Only for the offence of attending a meeting of the union or some such thing, a man is dismissed and his provident fund forfeited. I particularly draw the attention of this House to these facts in these days of unsympathetic railway management towards the poor subordinates and invoke the sympathy of this House on behalf of these poor employees. The next offence that a man might commit is attending a political meeting. We have so many times in this House received answers that no appeal would lie with anybody in these matters. The superior officer who dismisses the man would deprive him of his provident fund and thus starve him, his wife and children leaving all of them to die for want of food. These are the causes particularly which make us sympathise with the poor employees, the Indian employees. Allow me to submit that in the present condition of sweating of these labourers, if a provision like this is added, if a power like this is given in the hands of railway managers, it would do nothing else than making the conditions worse for the poor Indian subordinates. Displeasure at the slightest cause and pretext of the officers is a sufficient cause for dismissal in many of the railways. Let me cite the case of the strike of 1897. Even if some employees were taken back,

[Dr. K. G. Lohokare.]

others were asked to go away and their provident funds were forfeited, simply for the fault that they joined the strike in order to get their grievances redressed, in order to make their pinch of poverty felt a little bit. The poor people starve on account of the low payment, and other worries such as demanding medical certificate for even two days' leave, particularly so in the case of over-worked railway servants. I have experience as a practitioner of long standing in which even for three days' illness, a man has to produce a medical certificate, for which he must be under treatment actually and pay. His wages generally are 10 to 15 annas or at the most a rupee to rupee and a half. That man has to pay 6 to 7 annas for medicine ; or he should spend for a conveyance as he is ill and daily go to the railway dispensary for even two days' leave. If he overstays the leave even by one day, he is dismissed and his provident fund is forfeited. Let me draw the particular attention of my Honourable Colleagues to the powers, new powers, desired to be secured in the case of the provident fund, which is the savings of the poor man for meeting his rainy days. I would invoke the sympathy of my Colleagues and especially ask their favour to support my amendment for deleting this clause, which is not so light as the former one.

Mr. N. M. Joshi : I do not wish to repeat the arguments which I had used in supporting the first amendment. I shall only confine myself to the question of dismissal in railways. Dismissal of an employee, especially a subordinate employee and particularly if he happens to be an Indian, is the easiest thing to do. If someone joins a union, he will be dismissed.

Mr. C. D. M. Hindley : Sir, I would like to contradict that statement definitely.

Mr. N. M. Joshi : Sir, it is my opinion.

Mr. C. D. M. Hindley : It is not a fact.

Mr. N. M. Joshi : And we may differ even there.

Mr. C. D. M. Hindley : I was talking about facts.

Mr. N. M. Joshi : You say you are talking of facts ; I am also talking of facts as to whether men were dismissed for joining a union or not. I say they were dismissed for joining the union. You say they were dismissed for some other reason, known to you. I know, Sir, that nobody is dismissed generally for joining a union apparently, but there are many cases of men having been dismissed, the only reason for the dismissal being that they were prominent members of unions. Men are dismissed simply because the superior officer is displeased with them. No doubt there is a right of appeal. If a man is dismissed by the District Traffic Superintendent, there is a right of appeal to the Railway Agent. But, Sir, the General Traffic Manager has got confidence in the District Traffic Superintendent. If an appeal comes to the Railway Board, this morning I was told that the Railway Board has got the fullest confidence in the judgment of the Railway Agent. This is the experience of the people who have something to do with this question. Many cases come to the Members of this Assembly, cases where real injustice has been done. But the Railway Board and the Railway Agents refuse to interfere with the dismissals of men. Under these circumstances, is it right that we should give power to the railway authorities to take away something

which a man has earned by his hard labour ? I again maintain that the contribution paid by the Railway Board towards the Provident Fund of an employee is a part of his salary earned by him, the payment of which was only deferred for some time. I therefore strongly support the amendment and I hope the House also will support it.

Dr. L. K. Hyder (Agra Division : Muhammadan Rural) : I do not like, Sir, the look of the whole of this sub-clause (*b*) of clause 6. I will state briefly the points that have struck my attention on reading this clause. (*Honourable Members* : " Louder please, we cannot hear "). The first part, I think, is rather hard. The second part places, I think, an undue restraint on the industrial mobility of labour. I will give you an instance why I object to the whole of this section.

The Honourable Sir Alexander Muddiman (Home Member) : May I know, Sir, whether the amendment is under discussion or the whole clause ?

Mr. President : I wanted to see how the Honourable Member was going to proceed. We are now discussing whether, in case of the dismissal of an employee, the authorities shall be entitled to deduct the whole or any part of his contribution.

Dr. L. K. Hyder : I will confine my remarks strictly to the amendment moved by Dr. Lohokare. I feel, Sir, that this dismissal is rather a serious matter and I do not see why an employee should be deprived of the benefits of a particular Provident Fund. I will give you an instance. In England the working classes have always objected to the schemes initiated by the employers as regards bonus funds. They do not like them because they think that these bonus funds place an undue restraint on the industrial freedom of the employee. For that reason, Sir, I give my support to Dr. Lohokare's amendment.

Mr. H. G. Cocke (Bombay : European) : Sir, the moving oration from the Honourable Member behind me did not move me at all because his remarks seemed to me to be entirely based on a wrong hypothesis. Nobody says that the employee *shall* be deprived of his employer's contribution in the event of his dismissal. Clause 6 distinctly says " may ". It is obvious that the employing authority must have the power, in the event of dismissal, to forfeit his contribution. It will not always be exercised because, as I have said, the clause says " may be deducted " and not that it " shall be deducted ".

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : It appears to me, Sir, that my Honourable friend who has moved this amendment and those who have supported him are pursuing the wrong remedy. We are now legislating ; we are not passing Resolutions. Take the case of a man who is dismissed and who has, during the course of his service, been fraudulently misappropriating large sums of money. He is dismissed for that reason and no money is recoverable from him. Now, he has not only done us the injury of robbing us of our money but he is to get a handsome bonus for having defrauded us. There are dismissals and dismissals. I quite sympathise with my Honourable friends who complain of wrongful dismissals. The cases that they have in mind are the cases where the authorities abuse their power of dismissal. But in cases where they lawfully dismiss a subordinate, certainly no reasonable man can ask the Government to pay him his Provident Fund also, although he has

[Diwan Bahadur T. Rangachariar.]

committed a grievous wrong. The remedy for such cases is to amend the law of master and servant and to provide proper safeguards against improper dismissals and not to interfere with this law which assumes that there are proper dismissals. If a man is dismissed for good cause, then surely there is no reason why he should be given this bonus. I also see, Sir, another illogicality in my Honourable friend's motion. Why does he omit the cases of resignations. Just as you are dismissed for the whims and fancies of the employer, similarly you may be compelled to resign, otherwise your life will be made very uncomfortable by your master, or you may be compelled to resign on account of the unbearable conduct of your master. In that case my Honourable friend allows deduction, but he does not allow the deduction in the case of dismissals. So, I say, Sir, that the amendment is illogical and unreasonable, and therefore I oppose it.

Mr. M. K. Acharya (South Arcot *cum* Chingleput : Non-Muhammadan Rural) : I rise, Sir, to support the amendment and I am sorry I am not at all convinced by the arguments put forward by my learned friend Mr. Rangachariar. Here, as has been pointed out, we are dealing with cases of employees who have put in more than 5 years of service. If a man resigns within 5 years, he must necessarily be fairly young in life and will have plenty of opportunities to get other employment. We are now concerned only with cases where a man has put in service for a number of years and then he is dismissed. Both the Mover and the Seconder of the amendment have very rightly drawn the attention of the House to the many cases where, especially in the railways, people have been dismissed for, what may be called, very flimsy excuses. Mr. Rangachariar asks what should be done for a man who has been rightly dismissed and owes anything to the employer. I say that in the case of a man who is rightly dismissed the ordinary law will enable the Government or the employer to take an action against that man. If he owes anything to anybody, it can be paid out of his property and if he has no property, his Provident Fund can be attached. We are here concerned more to safeguard the interests of those who are wrongfully dismissed than of those who are rightly dismissed. We have recently drawn the attention of this House and of the Railway Board to one or two cases which occurred on the Oudh and Rohilkhand Railway where men, after 20 years, 23 years and so on, have been sent away on the plea that the Agent has been satisfied that the men have not been behaving properly. It was found very difficult in such cases even to have a show of sympathetic consideration at the hands of the higher authorities. Are such men to be deprived, after putting in 20 years of service or more, of their contributions which they had earned for their families and children and for the ordinary comforts of life ? That is the whole question. It looks to me, therefore, that we are giving the employer a double power. The dismissal is one power. In the majority of cases, especially in the railways, this power is quite bad enough. There have been specific cases, as my friend Mr. Joshi pointed out, where men have been dismissed for attending political meetings or joining unions or things of that kind. In such cases the employers have always said that the conduct of these men was not very satisfactory. Therefore, I appeal to this House, to safeguard the interests of the employees against the highhanded ways in which they are dealt with by their employers.

There are hundreds of such cases which turn up and this House will be failing in its duty if it does not safeguard the life-prospects of these old men. I therefore strongly protest against a double punishment in these cases of dismissal, for in 99 per cent. of cases these dismissals are wrongful. These men should be allowed to go and spend the last days of their lives in animal peace and comfort.

Mr. C. D. M. Hindley : I quite agree with Mr. Acharya that there is nothing more pathetic and which moves us to greater sympathy than the case of an employee, who, after many years of service, falls unfortunately into misconduct and has to be dismissed. This is one of the most pathetic things that I know of, connected with railway service. I only wish very shortly to point out, as the Honourable the Deputy President has pointed out to the House, that there are two cases involved, namely, rightful and wrongful dismissal. In the case of wrongful dismissal, a man has his remedy in the courts. If certain members of this House are perfectly satisfied that there are 99 per cent. of cases of wrongful dismissal, I would ask, why these men do not take their cases to the courts and prove them ? What we have to do here is to see that the punishment of dismissal is a condign punishment. The Honourable Dr. Lohokare talked about men being dismissed for petty accidents. I do not believe there are cases in which men have been dismissed for petty accidents. But supposing there have been such cases. If a man is not dismissed, when he is responsible, for a petty accident, if he is not condignly punished for such an offence, what is there to prevent him from causing a very much more serious accident by the very same act ? The very deplorable accident that occurred a short time back might have occurred through a simple act, which in ordinary circumstances might have only caused a slight accident. In the interests of the travelling public the case of a man who causes slight accidents, has to be considered most seriously. It shows a tendency which might cause very much more serious accidents. It is necessary to inflict a proper punishment in order to protect the lives of the public. This provision for taking away or refusing to allow the contributions of the employer in case of dismissal for misconduct is a provision which occurs in every public service. This is not an exception in the case of Railways and is nothing new. It has been in force under the rules of the Provident Fund for many years and the present Act is to regularize what has been done as a matter of course in the past.

I do not think I need argue the matter further. This is not the time nor place to enter into arguments regarding the vast numbers of railway employees dismissed through the whims of superior officers. The railway service does not need to be defended by me at this moment against a charge of that kind. But if any railway employé feels that he has been wrongfully dismissed he has his remedy in the courts.

Lieut.-Colonel H. A. J. Gidney (Nominated : Anglo-Indians): Sir, I rise to support this amendment. I rise to support it for three reasons. I consider that the deprivation of this provident fund to railway employees is wrong in principle, wrong in practice and wrong in fact. I know of cases in the railways in my own experience, in which old railway servants who have done from 20 to 30 years' service—meritorious unblemished service—and have been dismissed, because one night, perhaps X'mas night, or some other night, he misconducted himself—say struck his superior officer, a crime for which he *must* be dismissed. That man's

[Lieut.-Colonel H. A. J. Gidney.]

20 to 30 years' service has gone for nought, and for one single misdeed he has been deprived of all that provident fund or rather "gratuity" which the Government were good enough to place to his credit alongside his own Provident Fund deducted monthly from his salary. I consider that this employee should not have been deprived of his gratuity. It is his property in every way. In a case in which an employee has defalcated I consider that there is a reasonable excuse for such deprivation in order that the money defalcated may be made good out of the money which stands to his credit in the Provident Fund. In such cases the Railway usually institutes a criminal action against him, and if the man is guilty he is criminally punished besides departmentally. I consider that it is not right for a man who has robbed the railway to be made a present of his provident fund money. This line of thought and argument may seem as if I were arguing against my own convictions and conscience; but in such cases, the defalcator is adequately punished by law. To deprive such a man of his own lawful property, his money, which has been put in his name by the Railway or Government, simply for some such act of indiscretion at the end of an honourable 30 years of service is, I consider, wrong in principle, wrong in practice and wrong in fact.

The Honourable Sir Charles Innes (Commerce Member): Sir, I must correct the impression which Colonel Gidney has just striven to leave upon the House. Colonel Gidney has led the House to believe that in every single case where a man is dismissed, Government's contribution to his Provident Fund is automatically taken away. That is not so at all. I can answer for it from my own experience, for many of these cases come up to me on appeal. Each case is considered on its merits. I may say further that every Agent and every railway officer considers the case of these men with the object of *not* depriving a man of his Provident Fund, if he can. I say without fear of contradiction that the deprivation of Provident Fund is resorted to only in extreme cases. I put it to the House that you must leave it to us and to the other bodies to which this Bill refers to have that discretion. As the Honourable Diwan Bahadur Rangachariar has pointed out, it is perfectly ridiculous, if you have a man who has robbed the railway or embezzled money, that we should not have power to take away his Provident Fund, and if we dismiss him after prosecution, is it not right that we should have power to take away this money which we have contributed ourselves?

I have only risen to make that point clear. I wish to disabuse the House of the idea that Colonel Gidney tried to leave upon their minds, that this penalty is inflicted in every case of dismissal.

Mr. Chaman Lall: Sir, I was very sorry to hear the speech that the Honourable Sir Charles Innes has just delivered. He is certainly aware of the fact that railway workers on the North-Western Railway had their Provident Fund forfeited in 1920, some of them with service ranging from 15 to 20 years. After having sent up numerous applications on which no action was taken they were forced to declare a strike, and although representations were made to Government nothing was done in the way of refunding the gratuity or the Provident Fund which had been forfeited. This is a hardship which we are going to fight against. Diwan Bahadur Rangachariar has given us a case of which the Honourable Sir Charles Innes has made a great deal.

May I ask Sir Charles Innes how many cases of defalcations of that kind have come to his notice in the Railway Department during the last year? Because one or two such cases crop up occasionally, are you going to penalise thousands of workers in that department by giving effect to this particular clause in this Bill? I say not one of us who has got the interests, the rights, the privileges of the workers at heart is going to vote for this. There is one misapprehension in the minds of those who are opposing this amendment.....

Diwan Bahadur T. Rangachariar: May I ask, is this Bill confined to Railways? Is it not to be a general Act?

Mr. Chaman Lall: Sir, the misapprehension that is working in the minds of certain Members is this: they seem to consider that the Provident Fund contribution by the employer is a matter of grace. It is not; it is a question of giving a man less than his market value, less than what he could command in the market, of giving him an inducement to remain in service by adding a little to his pay by way of provident fund instead of giving him his legitimate wages every month. To that you add a portion which he contributes himself. I say to forfeit that fund is to forfeit the rightful possession of the worker. I consider that it is not just, it is not proper, it is not decent for any employer to indulge in tactics of this kind. We are not going to allow the workers to be deprived of this provision. We have had plenty of experience in Bombay, Calcutta and elsewhere where the employers simply by dismissing a man forfeit his provident fund and thereby penalise him. This, indeed, is a penal clause and we are going to fight against all such penal provisions being inserted in the Bill to the detriment of the interests of industrial workers.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I am very sorry that this clause has called so much attention to the Railways. As pointed out by my Honourable friend, (Mr. Rangachariar), and as I pointed out myself in my opening remarks on this Bill, it applies to all classes of Government, Railway and Local Provident Funds which fall within the Act. Now this question of the potential power—because the Act does not require it—the potential power to take back the employer's contribution in the event of dismissal can surely not be put higher than the cognate case of pension. Now what is the rule to which I am subject in common with every Government servant? I will read it. It is rule 353 of the Civil Service Regulations:

> "No pension may be granted to an officer removed for misconduct, insolvency or inefficiency."

Now surely you cannot put the case of the employer's share of his contribution to the provident fund higher than the question of pension. I do not think you can put it any higher than that. Now if this rule that I read to you has not these deplorable results in Government service why should it in the railways? If there is any hardship—and my Honourable Colleague has denied that the staff are treated harshly on the railways— it is not by interfering with this law that you will improve it. You really cannot put the case higher than the pension case, and I have not heard that it has been worked harshly in the case of Government servants in India. I therefore hope the House will not spoil this Bill by accepting the amendment which has been moved.

Mr. K. Rama Aiyangar (Madura and Ramnad *cum* Tinnevelly : Non-Muhammadan Rural) : Sir, the Honourable the Home Member has brought us very close to the point at issue. The question is what are the Provident Funds started for ? That is the question. I think my Honourable friend, Mr. Rangachariar did not tackle that point. In this case there is a deduction of pay and a contribution by the employer. In the case of pension there is no deduction from pay, and the allowance is paid for long service. That is the main difference. What is this deduction for ? The person who contributes to a provident fund is prepared to make some sacrifice because he thinks there will be something for him in after life. The master is prepared to give it to him because he thinks it will be a source of encouragement to him. That is the real position. The Assembly is now enacting a measure and considers this point. The question that really arises is what shall we do, shall we say that we should hold this contribution as security for good service, or shall we say, this is an amount earned for services already done ? The other questions do not arise. If the person commits a breach of trust and commits other depredations, the law is there. I do not think it can be argued that all these remedies should be embodied in this. On the other hand, we may well say, supposing under those circumstances,— I am talking now of the cases where either misconduct or even really attrocious conduct is committed—a servant is dismissed, the question is whether this allowance that has been laid by for his benefit should be taken away for that purpose. That may be done by law ; that may be done by other means. Of course Mr. Hindley stated : "Let him go and establish his dismissal as wrongful and then he will be paid." On the other side why not advise the Railway to make a claim against him ? Why should not the claim be instituted by the master, and this money taken away, if the money is due to him ? Of course ordinarily moneys that are payable to him are covered by the previous clause which has been passed by the Assembly. In the other case it is not as easy a question as has been put forward by my Honourable friend Mr. Rangachariar ; it is a matter in which the Legislature has to take action. If it is money belonging to the servant who has contributed towards it, the master giving his contribution for the purpose of keeping him happy, I do not think we can touch it on this ground. If, on the other hand, the provident funds are created for the purpose of better and more honest service, that is quite a different matter. Of course, it is a matter on which I am prepared to hear from the Treasury Bench. If they would say it is meant to be given for the purpose of good or sure service, then suppose a man is only a poor clerk who is unable to plead ; he finishes his career without having this, which is taken away from him. Is there any provision in this Bill which makes it capable of being taken away for serious offences ? Ordinarily this Assembly ought, I think, not to interfere with this payment if it can avoid it.

Khan Bahadur W. M. Hussanally (Sind : Muhammadan Rural) : Sir, I am afraid some of my friends here have quite misunderstood clause (*b*). Clause (*b*) provides for two cases and not only for one. Firstly it provides with regard to dismissal. Now suppose a man is dismissed for misconduct, my friends wish that no deduction should be made from his money, which may be due, whereas in the first clause, although a man serves for a long time and has perhaps earned a pension, deductions are allowed to be

made, inasmuch as clause (*a*) has just been carried; so that if you do not allow a similar deduction to be made from a man who is dismissed, you put a premium upon his misconduct. In the first case, when he has served a long time and done good service, you allow a deduction to be made, whereas in the other case, if he is dismissed for misconduct you put a premium actually on such misconduct if the amendment of my friend is carried. Secondly, this clause provides in regard to persons who resign within five years of service.

Dr. K. G. Lohokare : That has yet to come.

Khan Bahadur W. M. Hussanally : I think the Honourable Member's amendment applies to the whole clause. If that is so, I will argue with regard to the second part also. A man who resigns within a short time of his service certainly has no claim.

Mr. President : The question of resignation comes up later on.

Khan Bahadur W. M. Hussanally : Very well, Sir. I will only point out the inconsistency which will follow if the amendment of my Honourable friend is carried with regard to clauses (*a*) and (*b*).

Mr. K. Venkataramana Reddi (Guntur *cum* Nellore : Non-Muhammadan Rural) : Sir, the *pros* and *cons* of this amendment and the last amendment are simply a bundle of misconceptions and illogicalities. We know for a fact, Sir, that employees who do things which are unpleasant to their superiors are dismissed, and every morning we hear the representative of the Railway Board saying that Government are unable to interfere with the internal management of certain railways which are managed by Companies when questions are asked about the unjust dismissal of Railway employees. But as has been pointed out by Diwan Bahadur Rangachariar and the Honourable Mr. Hindley, if these amendments are given effect to, there is no way of safeguarding the legal liabilities of employers and preventing misappropriations by employees. Under these circumstances, Sir, I suggest that the clause might be redrafted after withdrawing the Bill.

Mr. President : The original motion was :

"That clause 6 stand part of the Bill."

Since which an amendment has been moved :

"That in sub-clause (*b*) of clause 6, omit the following words :

'where the subscriber or depositor has been dismissed from the employment of that authority, or '."

The question I have now to put is that that amendment be made.

The Assembly divided :

AYES—62.

Abdul Karim, Khwaja.	Das, Mr. Bhubanananda.
Abhyankar, Mr. M. V.	Das, Mr. Nilakantha.
Abul Kasem, Maulvi.	Datta, Dr. S. K.
Acharya, Mr. M. K.	Dutt, Mr. Amar Nath.
Ahmad Ali Khan, Mr.	Ghazanfar Ali Khan, Raja.
Aiyangar, Mr. C. Duraiswami.	Ghose, Mr. S. C.
Aiyangar, Mr. K. Rama.	Gidney, Lieut.-Colonel H. A. J.
Alimuzzaman Chowdhry, Mr.	Goswami, Mr. T. C.
Aney, Mr. M. S.	Govind Das, Seth.
Badi-uz-Zaman, Maulvi.	Gulab Singh, Sardar.
Belvi, Mr. D. V.	Hans Raj, Lala.
Chalmers, Mr. T. A.	Hyder, Dr. L. K.
Chaman Lall, Mr.	

AYES—62—*contd.*

Ismail Khan, Mr.
Iyengar, Mr. A. Rangaswami.
Jeelani, Haji S. A. K.
Joshi, Mr. N. M.
Kasturbhai Lalbhai, Mr.
Kazim Ali, Shaikh-e-Chatgam Maulvi Muhammad.
Kelkar, Mr. N. C.
Lohokare, Dr. K. G.
Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jamnadas M.
Misra, Pandit Shambhu Dayal.
Misra, Pandit Harkaran Nath.
Murtuza Sahib Bahadur, Maulvi Sayad.
Mutalik, Sardar V. N.
Nambiyar, Mr. K. K.
Narain Dass, Mr.
Nehru, Dr. Kishenlal.
Nehru, Pandit Shamlal.
Neogy, Mr. K. C.
Patel, Mr. V. J.
Purshotamdas Thakurdas, Sir.
Ramachandra Rao, Diwan Bahadur M.
Ray, Mr. Kumar Sankar.
Reddi, Mr. K. Venkataramana.
Samiullah Khan, Mr. M.
Sardar, Rai Sahib M. Harbilas.
Sarfaraz Husain Khan, Khan Bahadur.
Shafee, Maulvi Mohammad.
Shams-uz-Zoha, Khan Bahadur M.
Singh, Mr. Gaya Prasad.
Sinha, Mr. Ambika Prasad.
Sinha, Kumar Ganganand.
Tok Kyi, Maung.
Ujagar Singh Bedi, Baba.
Venkatapatiraju, Mr. B.
Vishindas, Mr. Harchandrai.
Yusuf Imam, Mr. M.

NOES—39.

Abdul Qaiyum, Nawab Sir Sahibzada.
Ahmed, Mr. K.
Aiyer, Sir P. S. Sivaswamy.
Ajab Khan, Captain.
Akram Hussain, Prince A. M. M.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Bray, Mr. Denys.
Burdon, Mr. E.
Calvert, Mr. H.
Chatterjee, The Honourable Mr. A. C.
Cocke, Mr. H. G.
Crawford, Colonel J. D.
Duval, Mr. H. P.
Fleming, Mr. E. G.
Ghulam Bari, Khan Bahadur.
Hezlett, Mr. J.
Hindley, Mr. C. D. M.
Hira Singh, Sardar Bahadur Captain.
Holme, Mr. H. E.
Hudson, Mr. W. F.
Hussanally, Khan Bahadur W. M.
Innes, The Honourable Sir Charles.
Lloyd, Mr. A. H.
Moncrieff Smith, Sir Henry.
Muddiman, The Honourable Sir Alexander.
Nag, Mr. G. C.
Parsons, Mr. A. A. L.
Raj Narain, Rai Bahadur.
Rangachariar, Diwan Bahadur T.
Rushbrook-Williams, Prof. L. F.
Sams, Mr. H. A.
Sastri, Diwan Bahadur C. V. Visvanatha.
Singh, Rai Bahadur S. N.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Tottenham, Mr. G. R. F.
Webb, Mr. M.
Wilson, Mr. R. A.

The motion was adopted.

Dr. K. G. Lohokare : Sir, instead of moving the small amendment that follows, I should like to speak against the whole sub-clause as amended even. I am sorry I have no other alternative left. Let me first tell you, Sir, that I feel the pinch of the clause as if it had operated on me. I was a railway servant to begin with, as a number marker in a goods shed about twenty years before. I know how these poor railway servants suffered at the hands of the railway management. We have been told that these Provident Funds include other Provident Funds besides Railways. Yes, Sir, there are other Provident Funds ; but what is the proportion of their subscribers to the subscribers in the Railway Provident Fund ? It is an infinitesimal number as compared with railway employees. Consequently, the clause affects a large number of poor people, who are underfed and unsympathetically looked after by the railway administration. We are told that there are certain penal cases which do not deserve any attention. There are some penal cases, but our experience has been that the number of real penal cases falls far short of the number of unjust cases. Is it right to penalise the large number of innocent people in order that the law may be enforced against the real culprits ? Had this clause provided some sort of arrangement by which the dismissal could have gone to a tribunal or some conciliation board, I could have very well under-

stood it. But no such provision has been made and I think the power given to the employer is absolutely against the interests of the employees in this country. As long as there is no conciliation board or an independent body having judicial acumen to try these cases and hear appeals, and as long as there are these superior authorities, these Maharaja Bahadurs on the opposite benches who say " We see no reason to interfere with the administration ", I think we have to keep an eye over these poor people and get ourselves interested in their cause. It is because I have seen the condition of these people, many of their children almost feeling the pinch of starvation and seeking employment as labourers without even a little education, technical or otherwise, it is because I have seen their condition after such dismissals and shed tears with them, that I have been asking you not to allow this sort of clause which will keep in the hands of the employer such powers as will deprive the poor of their bread in their rainy days. The Provident Fund and the Provident Fund Rules are meant more for poor people than others. If you deprive them of any facilities in getting their money for getting a little quarter piece of bread and *jowari* and a little bit of cloth to cover their loins to prevent them just starving, it is my duty to appeal to you ; and if I fail in the appeal I have nothing else to say. But remember, Sir, that the cases of persons who commit crimes are only 5 per cent. and that the rest, 95 per cent., are cases of misjudgment. All this is due to such Company management of Railways in India.....

The Honourable Sir Alexander Muddiman : I am sorry to interrupt the Honourable Member ; but it might perhaps shorten the debate if I proceed to ascertain what exactly is before the House now. Is it that clause 6 do stand part of the Bill ?

Mr. President: The only motion before the House is that clause 6 stand part of the Bill. The Honourable Member, I understand, is moving his amendment.

The Honourable Sir Alexander Muddiman: I shall not oppose the omission of clause 6.

Dr. K. G. Lohokare : Am I to understand that the Government are willing to omit the clause ?

The Honourable Sir Alexander Muddiman : If it would help to shorten the debate, I may state that I will not oppose the omission of clause 6.

Dr. K. G. Lohokare : Then my purpose is finished.

Mr. M. A. Jinnah : No, Sir; I cannot understand why an Honourable Member should be allowed by a sort of his own consent and that of another Member of this House to say that this should be omitted. I oppose it.

Mr. Chaman Lall : Am I to understand that this clause should be omitted or merely sub-section (*b*) of clause 6 ?

Mr. President : The only motion before the House is that clause 6 stand part of the Bill. The Honourable Member, after having proposed an amendment and secured the vote of the Assembly in his favour, has taken the very unusual course of talking against the clause itself.

Mr. K. Rama Aiyangar : Sir, I think the step that is being taken by my Honourable friend, Dr. Lohokare, is not in the best interests of the

[Mr. K. Rama Aiyangar.]

employés who will be affected by this Bill. I wish respectfully to place before the Assembly my view that it will be very unwise not to allow the clause to stand there, especially when the other amendment has been carried. Dr. Lohokare instead of, if necessary, trying to amend the clause further has addressed himself to the motion for deleting the clause wholly. But any one can well see that the whole Bill will never be given effect to if the whole of clause 6 is deleted.

Mr. N. M. Joshi : You are mistaken.

Mr. K. Rama Aiyangar : I beg your pardon, the Government may apparently consent. It must mean more than consent.

Mr. N. M. Joshi : You are reading too much into that.

Mr. K. Rama Aiyangar : I want to place that view very strongly before this House. My view is we ought not to allow this clause 6 to be deleted. We should not make the masters perfectly—what shall I call it—impotent in the matter of anything connected with this Bill and with the administration of the Provident Funds. And, if you are going to ask the Government to accept the deletion of this clause, it is the same as asking the Government not to start Provident Funds at all. I do not know if for the sake of a small percentage of servants that might be suspended or that might resign under circumstances, that they may have to lose their contributions or that there may be slight deductions made, you are going to deprive them of the real help that is being given to them by all departments, I shall leave out the Government servants, the railway provident funds and the local services. Are we not as private managers of educational institutions in this land trying to help the teachers by starting provident funds? Are we not interested in seeing that our servants are really helped as far as possible to have a contented life? This is a Bill which really provides for that. And I oppose any amendment to delete clause 6 and I would respectfully ask my friends to think over the position. I do not think we can afford to lose a Bill that is now to be placed on the Statute-book. I do not think the Honourable the Home Member will really consider the last vote as anything against the Bill. I would seriously request him to see that the basis and the equity of the provident fund being different from ordinary pensions he will allow the amendment carried by this Assembly as only a proper step taken to put before the Government their view of the case. He should not misinterpret the view of the Assembly and I would request him to see that he gives it the consideration it deserves. It is a step taken by the Assembly, and both points were considered, some of our friends themselves taking the opposite view, but the result was as we have seen and that portion alone was deleted, but that is no reason why the Bill which really benefits so many should be really affected. I therefore request my friends to see that, since the other amendments have been now dropped, that clause 6 stand part of the Bill.

Mr. N. M. Joshi : Sometimes, Sir, the Government find friends in very strange quarters, and when they are not even needed. The Government are quite willing to drop this whole clause, but now come forward some people saying that this clause as amended should be kept. I cannot understand the necessity for it at all. This whole clause is a new clause altogether. Neither the Government nor the Railway Companies found any inconvenience so far without this clause at all. And still there are some people here who think for some reason unknown to me but perhaps

known to them, but which they have not explained, that there may be something good in this clause and therefore it must be kept. Has anyone pointed out why this clause even as amended should be kept ? There is one part of the clause left now, that is about giving Government power to deduct the amount due from the employee. So far neither the Government nor the Railway Companies have found it difficult to get such money from their employees. As a matter of fact, the employees have some common sense still left in them. When there is a real liability the employee does not like to go to court. The employees know very well that the railway company is a rich corporation. The employees know very well that the Government have got the resources of the country behind their back. They can file a suit in court but may carry it on in three or four courts if necessary. Therefore, when there is a real liability, the employee always consents to give the money. He is not willing to go to the law court and enter into legal proceedings against such powerful railway companies and a powerful Government. The employee knows very well if he goes to court, not only will he lose the small part of his contribution but he will have to pay the legal costs also. Therefore, he never grudges to pay whenever there is a real liability to be paid. There is only another thing left here and that is the reference to the period of five years. Even if a man has served for one year, why should he not get the employer's contribution to the provident fund ? If he is to get it for five years he should also get it for one year. Government has not made out any case for introducing this new restriction. They do not really want it. Therefore they have acceded to the request of the House to drop it. But now some people come forward and find there is something good in it,—because Government now accept our point of view. This is, Sir, the natural distrust of Government which some people have got in their hearts. I hope, Sir, the House will not be misled by the inclination of some people to distrust Government. Perhaps it may not be mere distrust of Government. There are some people who are managing some provident funds themselves. They may be Managers of Schools. They may be Presidents of some Municipalities. As a matter of fact, managers of schools I do not think can come under this Bill, but they may be Presidents of Municipalities and then it may be their turn to deduct the contributions of municipal employees. They do not want to part with that power. I hope, Sir, such narrow considerations will not enter the minds of the Members of this Assembly. If a thing is good, it is good for all people. Therefore, as Government have practically given their consent,—as Government have very kindly given up their opposition, I hope the Presidents of Municipalities and managers of schools will not also stand in the way of poor people getting justice.

Mr. M. A. Jinnah (Bombay City : Muhammadan Urban) : Sir, I must justify myself in having taken up the position that I was really surprised why the Honourable the Home Member was so ready to have this clause deleted altogether. I certainly would not have taken part in this debate, but I am really surprised. I am not standing here merely as a person who distrusts Government, but I am standing here as a representative of the people and the Government have got to do what is best for the people and not as it pleases their whims. Now, I cannot understand any Government readily dropping clause 6 (*b*). Sir, if Mr. Joshi had really tried to understand this point, he would never have argued in the manner he has done. Now, let us see what it means. It means this.

[Mr. M. A. Jinnah.]

The relationship of an employer and an employee comes under clause (*a*). Clause (*a*) says this :

"(*a*) any amount due under a liability incurred by the subscriber or depositor to that authority, but not exceeding in any case the total amount of any contributions credited to the account of the subscriber or depositor and of any interest or increment which has accrued on such contributions ;"

and so on. Now this is a case where he has incurred liability. If he has incurred any liability, how is that liability to be realised ?

Mr. N. M. Joshi : He pays it himself.

Mr. M. A. Jinnah : Quite so. In that case, it means this, that he takes away his contribution from the provident fund and his liability merely remains a liability in law which will compel the Government or the Railway to file a suit. Why ? Well, would Mr. Joshi, if I had a deposit with him of Rs. 10,000, (*Mr. N. M. Joshi* : "It is not your deposit.") Excuse me. (*Mr. N. M. Joshi* : "I do not accept that.") One minute. If Mr. Joshi had my Rs. 10,000 with him, and if I had incurred a liability and in my turn owed him Rs. 5,000, would Mr. Joshi in his wisdom hand over the Rs. 10,000 to me and then file a suit against me for Rs. 5,000, or would he not deduct and pay Rs. 5,000 ?

Mr. N. M. Joshi : Yes, if the Rs. 10,000 are yours. They are not yours.

Mr. M. A. Jinnah : Mr. Joshi does not appreciate my argument. That is all I can say. Government money is not the money of the Honourable the Home Member or even of the Treasury Bench. That money belongs to us. I appeal to this House not to fall into this trap and the Honourable the Home Member will probably ridicule this House by saying that it would like to delete this clause.

Mr. N. M. Joshi : I do not think so.

Mr. M. A. Jinnah : With regard to sub-clause (*b*)—I ask you, Sir, to put these two sub-clauses separately to the vote of the House so that we may get a correct verdict of the House—with regard to sub-clause (*b*). There the difference is this. The question is whether that also ought to be deleted or not. On that point I do not hold very strong views one way or the other, and therefore I leave it entirely to the House to vote as they think proper. It seems to me, Sir, that it is a very small matter after all, and I will therefore not press the House as to how they should vote.

Mr. President : The question is :

"That clause 6, as amended, stand part of the Bill."

Does the Honourable Member move the motion to divide the clause into two ?

Mr. M. A. Jinnah : Yes, Sir, I do.

Mr. President : The question is :

"That clause 6, down to the words 'contributions ; or' stand part of the Bill."

Mr. N. M. Joshi : I do not understand what is being put, Sir.

Mr. President : The question is :

"That clause 6 including the first eight lines and sub-clause (*a*) stand part of the Bill."

Does the Honourable Member understand now ?

(A division was claimed.)

Mr. M. A. Jinnah : May I suggest, Sir, that in this matter you should take the division by a show of hands or by Members standing up under the rules ? That will save a lot of time.

Mr. President : The question is :

"That the first eight lines of clause 6 and sub-clause (*a*) stand part of the Bill."

(A division was not pressed.)

The motion was adopted.

Mr. President : Further question is :

"That there be added to clause 6, sub-clause (*b*) as follows :

'where he has resigned such employment within five years of the commencement thereof, the whole or any part of the amount of any such contributions, interest and increment '."

That is, sub-clause (*b*) will be as amended by the omission of the first 2½ lines.

The question is :

"That sub-clause (*b*), as amended, stand part of the Bill."

The motion was negatived.

Mr. President : The question is that clause 7 stand part of the Bill.

Dr. K. G. Lohokare : I will not move my amendment,* Sir.

Clause 7 was added to the Bill. Clauses 8, 9, and 10, the Schedule, clause 1, the Title and the Preamble were added to the Bill.

The Honourable Sir Alexander Muddiman : I make no motion, Sir.

Mr. Chaman Lall : I beg to move that the Bill be passed.

Mr. President : That motion cannot be made except by the Member in charge of the Bill.

The Honourable Sir Alexander Muddiman : In order to remove any misapprehension I may say that I do not make any motion in order that the Bill may be examined with a view to consequential changes.

Mr. President : It is rather too late to take up other business.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 20th September, 1924.

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* "The following words be added at the end of clause 7 :
'except as provided in section 6 (*a*) '."

LEGISLATIVE ASSEMBLY.

Saturday, 20th September, 1924.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

MESSAGES FROM THE COUNCIL OF STATE.

Secretary of the Assembly : Sir, two Messages have been received from the Secretary of the Council of State. The first one is as follows :

"I am directed to inform you that the Council of State have, at their meeting of the 19th September, 1924, agreed without any amendments, to the following Bills which have been passed by the Legislative Assembly :

(1) A Bill further to amend the Indian Post Office Act, 1898, for certain purposes,

(2) A Bill to amend the Imperial Bank of India Act, 1920;

(3) A Bill further to amend the Indian Penal Code and Code of Criminal Procedure, 1898, for the purpose of affording greater protection to persons under the age of eighteen years."

The second Message runs as follows :

"I am directed to inform the Legislative Assembly that the following motion was carried in the Council of State at their meeting of the 19th September, 1924, and to request the concurrence of the Legislative Assembly in the recommendation contained therein, namely :

'That this Council do recommend to the Legislative Assembly that the Bill to amend the provisions of section 27 of the Indian Succession Act, 1865, be referred to a Joint Committee of this Council and of the Legislative Assembly, and that the Joint Committee do consist of 12 Members'."

THE PROVIDENT FUNDS BILL.

The Honourable Sir Alexander Muddiman (Home Member) : With your permission, Sir, I should like to move :

"That the Bill to amend and consolidate the law relating to Government and other Provident Funds, as passed by the Council of State and as amended by this Chamber, be passed."

The Bill will, in any event, have to go back to the other Chamber in view of the amendment made by this House and that will give Government time to consider what, if any, amendments are necessary, in view of the amendment made in this House. There are two consequential amendments to be moved by my Honourable friend Sir Henry Moncrieff Smith.

Mr. President : The question is :

"That the Bill to amend and consolidate the law relating to Government and other Provident Funds, as passed by the Council of State and as amended by this House, be passed."

Sir Henry Moncrieff Smith (Secretary : Legislative Department) : Sir, I move :

"That in clause 6 the letter 'a' in brackets and the word 'or' at the end of the clause be omitted."

The motion was adopted.

Mr. President : The question is :

"That the Bill, as amended, be passed."

The motion was adopted.

RESOLUTION *RE* SEPARATION OF RAILWAY FINANCE FROM GENERAL FINANCE—*contd.*

The Honourable Sir Charles Innes (Commerce Member) : Sir, the House will remember that on Wednesday in the final stages of our discussion on the Resolution regarding the separation of Railway from General Finance, I made a suggestion, which I hoped would remove the difficulties which some of my Honourable friends opposite felt in the way of my proposals. With your permission, Sir, I should now like to withdraw that amendment. I may explain that in the interval that has elapsed since we last discussed this subject, I have been in communication with my friends opposite and I have a revised amendment, which will satisfy all parties in the House. If, therefore, Sir, you will give me permission to withdraw the amendment I moved on Wednesday evening, I will now move the following revised amendment :

" That the following be added as clause 9 to the Resolution moved by Sir Henry Monerieff Smith :

' In view of the fact that the Assembly adheres to the Resolution passed in February 1923 in favour of State management of Indian Railways, these arrangements shall hold good only so long as the East Indian Railway and the Great Indian Peninsula Railway and existing State-managed Railways remain under State management. But if in spite of the Assembly's Resolution above referred to Government should enter on any negotiations for the transfer of any of the above Railways to Company management, such negotiations shall not be concluded until facilities have been given for a discussion of the whole matter in the Assembly. If any contract for the transfer of any of the above Railways to Company management is concluded against the advice of the Assembly, the Assembly will be at liberty to terminate the arrangements in this Resolution '."

I hope, Sir, that the House will realise that I have done my very best to meet them in this matter and I have done it by making this convention that we ask the House to agree to dependent upon the continuance of these Railways under State management, that is, the Assembly will be at liberty to terminate the arrangement if any of the Railways are transferred to Company management against the advice of the Assembly. I hope, Sir, that my friends opposite and the House generally will be able to accept this amendment as a settlement of our difficulties.

Mr. President : The original question was :

" That the Resolution* as moved by the Honourable Sir Charles Innes on the 3rd of March be adopted."

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*" This Assembly recommends to the Governor General in Council that in order to relieve the general budget from the violent fluctuations caused by the incorporation therein of the railway estimates and to enable the railways to carry out a continuous railway policy based on the necessity of making a definite return over a period of years to the State on the capital expended on railways :

(1) The railway finances shall be separated from the general finances of the country and the general revenues shall receive a definite annual contribution from railways which shall be the first charge on railway earnings.

(2) The contribution shall be a sum equal to five-sixths of 1 per cent. on the capital at charge of the railways (excluding capital contributed by Companies and Indian States and capital expenditure on strategic railways) at the end of the penultimate financial year *plus* one-fifth of any surplus profits remaining after payment of this fixed return, subject to the condition that if any year railway revenues are insufficient to provide the percentage of five-sixths of 1 per cent. on the capital at charge, surplus profits in the next or subsequent years will not be deemed to have accrued for purposes of division until such deficiency has been made good.

From the contribution so fixed will be deducted the loss in working, and the interest on capital expenditure on strategic lines.

Since which an amendment has been moved :

"That the Resolution† moved by Sir Henry Moncrieff Smith be substituted for it."

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(3) Any surplus profits that exist after payment of these charges shall be available for the railway administration to be utilised in :

(*a*) forming reserves for :

(*i*) equalising dividends, that is to say, for securing the payment of the percentage contribution to the general revenues in lean years,

(*ii*) depreciation,

(*iii*) writing down and writing off capital.

(*b*) the improvement of services rendered to the public,

(*c*) the reduction of rates.

(4) The railway administration shall be entitled, subject to such conditions as may be prescribed by the Government of India, to borrow temporarily from capital or from the reserves for the purpose of meeting expenditure for which there is no provision or insufficient provision in the revenue budget subject to the obligation to make repayment of such borrowings out of the revenue budgets of subsequent years.

(5) In accordance with present practice the figures of gross receipts and expenditure of railways will be included in the Budget Statement. The proposed expenditure will, as at present, be placed before the Legislative Assembly in the form of a demand for grants and on a separate day or days among the days allotted for the discussion of the demands for grants the Member in charge of Railways will make a general statement on railway accounts and working. Any reductions in the demand for grants for railways resulting from the vote of the Legislative Assembly will not enure to general revenues, *i.e.*, will not have the effect of increasing the fixed contribution for the year.

(6) The Railway Department will place the estimates of railway expenditure before the Central Advisory Council on some date prior to the date for the discussion of the demand for grants for railways."

† "That for the original Resolution the following be substituted, namely :

'This Assembly recommends to the Governor General in Council that in order to relieve the general budget from the violent fluctuations caused by the incorporation therein of the railway estimates and to enable railways to carry out a continuous railway policy based on the necessity of making a definite return to general revenues, on the money expended by the State on railways :

(1) The railway finances shall be separated from the general finances of the country and the general revenues shall receive a definite annual contribution from railways which shall be the first charge on the net receipts of railways.

(2) The contribution shall be based on the capital at charge and working results of commercial lines, and shall be a sum equal to one per cent. on the capital at charge of commercial lines (excluding capital contributed by companies and Indian States) at the end of the penultimate financial year *plus* one-fifth of any surplus profits remaining after payment of this fixed return, subject to the condition that, if in any year railway revenues are insufficient to provide the percentage of one per cent. on the capital at charge, surplus profits in the next or subsequent years will not be deemed to have accrued for purposes of division until such deficiency has been made good.

The interest on the capital at charge of, and the loss in working, strategic lines shall be borne by general revenues and shall consequently be deducted from the contribution so calculated in order to arrive at the net amount payable from railway to general revenues each year.

(3) Any surplus remaining after this payment to general revenues shall be transferred to a railway reserve ; provided that if the amount available for transfer to the railway reserve exceeds in any year three crores of rupees only two-thirds of the excess over three crores shall be transferred to the railway reserve and the remaining one-third shall accrue to general revenues.

[Mr. President.]

Further amendment moved in the name of Sir Purshotamdas Thakurdas :

" To add the following as an additional clause at the end of the Resolution :

' (9) The above proposals be given effect to provided the Government agree to the following :

(*a*) That no Railway Line now under State management and no Railway Line now managed by a Company whose contract may hereafter expire should be handed over to Company management without the previous approval of the Legislative Assembly ;

(*b*) That the railway services should be rapidly Indianised, and further that Indians should be appointed as Members of the Railway Board as early as possible '."

Further amendment moved :

" To substitute the following for the amendment which I have just read :

' That the following be included as clause (9) :

' (9) They shall hold good only so long as the East Indian Railway, Great Indian Peninsula Railway and existing State-managed Railways remain under State management. In the event of negotiations for transferring any of the above Railways to a private Company being undertaken, those negotiations shall not be concluded until facilities have been given for a discussion of the whole matter in the Assembly '."

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(4) The railway reserve shall be used to secure the payment of the annual contribution to general revenues : to provide, if necessary, for arrears of depreciation and for writing down and writing off capital : and to strengthen the financial position of railways in order that the services rendered to the public may be improved and rates may be reduced.

(5) The railway administration shall be entitled, subject to such conditions as may be prescribed by the Government of India, to borrow temporarily from capital or from the reserves for the purpose of meeting expenditure for which there is no provision or insufficient provision in the revenue budget subject to the obligation to make repayment of such borrowings out of the revenue budgets of subsequent years.

(6) A Standing Finance Committee for Railways shall be constituted consisting of two nominated official members of the Legislative Assembly one of whom should be Chairman, and ten members elected by the Legislative Assembly from their body. The members of the Standing Finance Committee for Railways shall be *ex-officio* members of the Central Advisory Council, which shall consist, in addition, of not more than two further nominated official members, five non-official members selected from a penal of eight elected by the Council of State from their body and five non-official members selected from a penal of eight elected by the Legislative Assembly from their body.

The Railway Department shall place the estimates of railway expenditure before the Standing Finance Committee for Railways on some date prior to the date for the discussion of the demand for grants for railways.

(7) The railway budget shall be presented to the Legislative Assembly if possible in advance of the general budget in order that more time may be allotted for its discussion, and the Member in charge of railways shall then make a general statement on railway accounts and working. The expenditure proposed in the railway budget, including expenditure from the depreciation fund and the railway reserve, shall be placed before the Legislative Assembly in the form of demands for grants. The form the budget shall take after separation, the detail it shall give and the number of demands for grants into which the total vote shall be divided shall be considered by the Railway Board in consultation with the proposed Standing Finance Committee for Railways with a view to the introduction of improvements in time for the next budget, if possible.

(8) These arrangements shall be subject to periodic revision but shall be provisionally tried for at least three years '."

The Honourable Mover* of that amendment has asked for permission to withdraw it.

Is it your pleasure to grant him leave to withdraw that amendment?

The amendment was, by leave of the Assembly, withdrawn.

Further amendment moved :

"That the following be added to the amended Resolution as clause 9 :

'In view of the fact that the Assembly adheres to the Resolution passed in February 1923 in favour of State management of Indian Railways, those arrangements shall hold good only so long as the East Indian Railway and the Great Indian Peninsula Railway and existing State-managed Railways remain under State management. But if in spite of the Assembly's Resolution above referred to Government should enter on any negotiations for the transfer of any of the above Railways to Company management, such negotiations shall not be concluded until facilities have been given for a discussion of the whole matter in the Assembly. If any contract for the transfer of any of the above Railways to Company management is concluded against the advice of the Assembly, the Assembly will be at liberty to terminate the arrangements in this Resolution'."

Diwan Bahadur M. Ramachandra Rao (Godavari *cum* Kistna : Non-Muhammadan Rural) : Sir, I beg to move the addition of a further clause as Part II to the amendment moved by Sir Charles Innes. It is in these words :

"Apart from the above convention this Assembly further recommends :

(*i*) that the Railway services should be rapidly Indianised, and further that Indians should be appointed as Members of the Railway Board as early as possible, and

(*ii*) that the purchase of stores for the State Railways should be undertaken through the organisation of the Stores Purchase Department of the Government of India."

Sir, I may say that the subject matter of this clause was discussed at great length in this House and I need not say anything further in support of this amendment. The first clause reproduces the amendment of my Honourable friend Sir Purshotamdas Thakurdas and the substance of the second clause has been already proposed by Mr. Duraiswami Aiyangar when the matter was under discussion the other day. The Honourable Sir Charles Innes has already given a sympathetic reply on behalf of Government and I do not wish to dilate further in support of these two amendments. I trust, Sir, that Government will be able to give effect to these two matters which every one of us has at his heart.

Mr. President : Further amendment moved :

"To add as Part II of the Resolution :

'Apart from the above convention this Assembly further recommends :

(*i*) that the Railway services should be rapidly Indianised, and further that Indians should be appointed as Members of the Railway Board as early as possible, and

(*ii*) that the purchase of stores for the State Railways should be undertaken through the organisation of the Stores Purchase Department of the Government of India'."

The Honourable Sir Charles Innes : Sir, I would ask the permission of the House to make the position of the Government clear in regard to this amendment. As I said the other day, we have already accepted the policy of Indianisation of the Railway Services, and we have agreed to the recommendation of the Lee Report that the recruitment should be 75 per cent. Indians and 25 per cent. Europeans. I showed

* The Honourable Sir Charles Innes.

[Sir Charles Innes.]

in my speech the other day that in the last three years we have exceeded these figures in both the Traffic and in the Engineering Departments of the State Railways. As regards the Railway Board, we have already recruited Indians for the staff of the Railway Board, that is, for the appointments of officers attached to the Railway Board, and I hope that we shall be able to continue this process. As each appointment becomes vacant, I will undertake that the claims of Indians are considered. I may mention that the Standing Finance Committee has just sanctioned an additional officer for statistical work in the Railway Board and that we are appointing an Indian to that post. As regards the Members of the Railway Board, I cannot bind myself to dates, as it must take time before there are Indians of the requisite standing and experience in the Railway Department for appointments to the Railway Board. But, as I pointed out the other day, the Railway Board is a purely technical body and does not control policy. As regards the Stores question, I laid on the table the other day copies of our orders on the subject, and I do not know whether Honourable Members have seen them. They have been placed, however, before the members of the Central Advisory Council. The position is that we have circulated the new Stores Rules which were issued only in May last. We have circulated them to the Agents both of State and Company Railways and we have told these Agents that we expect them to carry out the policy of the Government of India as expressed in these rules. We have also discussed with Mr. Pitkeathly, the Chief Controller of Stores, the question of purchases through the Stores Department and we have come to an arrangement with him. We have written round to the Agents of all State Railways and of the East Indian and the Great Indian Peninsula Railways. We have informed them that we desire them to make use of the Indian Stores Department for their purchases generally, and particularly for certain classes of stores, with which Mr. Pitkeathly is immediately prepared to deal. Mr. Pitkeathly is leaving Simla to-morrow to follow this matter up by individual discussion with the Agents and Storekeepers of the different Railways mentioned. He has gone to see these officers with the object of discussing with them how best his Department can undertake business for them. That is the position at present and for the present I cannot go further. The matter is one in which Mr. Pitkeathly and myself are in the closest possible touch. It is an extremely difficult matter to graft a new Department of this kind upon the existing elaborate organisations which already exist for the purchase of stores in the different Railways, and the wisest thing that the House can do is to leave Mr. Pitkeathly and myself to manage the business in our own way. But I may mention for the information of the House that copies of all indents for stores sent Home by State Railways are scrutinised by the Chief Controller of Stores, and I am consulting the Chief Controller of Stores on the question whether we can tighten up this practice so as to prevent indents being unnecessarily sent to the London Stores Department. I have only to add that the question is merely one of machinery. The policy of the Government of India in regard to the purchase of stores has been clearly laid down by the Department of Industries and I shall make it my business to see that that policy is loyally carried out by that Department. (Hear, hear).

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : Sir, there are one or two lessons which we have to draw from

the protracted negotiations which preceded and the satisfactory settlement we have come to on this most important question, which has been before us for a long time. The first and foremost lesson to be taken to heart is that if both the Government Benches and the non-official Benches can approach questions in a spirit of compromise, we can come to a satisfactory conclusion. And, if the Government will really embark upon a policy of taking the people's representatives into their confidence, they are sure to achieve results in a much better way than they can do on their own judgment.

The second point which I wish to emphasise is the distrust which we on this side have of the administrative policy so far as Railways are concerned. That distrust is deep-rooted and I may assure the Honourable Member in charge that anything that he may do to rapidly remove the grounds for such distrust will be most welcome. Sir, these are the only words I wished to say.

Mr. C. D. M. Hindley (Chief Commissioner, Railways) : Sir, in the heat of the debate on Wednesday, being very anxious to emphasise the undesirability of mixing politics with business, I was led to make certain remarks about my Honourable friend, Sir Purshotamdas Thakurdas, which, I think, unwittingly on my part, perhaps may have hurt his susceptibilities. Sir, I wish to acknowledge in most grateful terms the valuable assistance which we have received on the Central Advisory Council and on other Committees, and especially in regard to this separation proposal, from the business ability, knowledge and experience of Sir Purshotamdas Thakurdas. (Hear, hear.) If, Sir, I have unwittingly hurt his feelings in this matter by emphasising his present connection with politics, I wish to modify what I said by expressing my belief that a man may be a very first class businessman and he may, at the same time, be a patriot. (*Mr. M. A. Jinnah* : "Might be a politician, too.") I wish, Sir, to aknowledge that whatever advice Sir Purshotamdas Thakurdas may have given to the House was based not only upon his profound business knowledge and ability but also on the highest patriotic motives.

Lieut.-Colonel H. A. J. Gidney (Nominated : Anglo-Indians) : Sir, my reasons for joining this debate at this juncture.....

Mr. President : Before I allow the Honourable Member to proceed, I would like to say for the information of the House that a compromise, which is more or less agreeable to both sides of the House, has been arrived at. Honourable Members who choose to continue the debate will do so at some risk to the success of that compromise.

Lieut.-Colonel H. A. J. Gidney : I did not catch the last few words. Will you kindly repeat them.

Mr. President : I have only to warn the House that a compromise has been arrived at and if the debate is thrown open once more, that compromise may thereby be endangered.

Lieut.-Colonel H. A. J. Gidney : Sir I have no desire to affect or endanger the compromise that has already been arrived at. My only desire to enter into this debate, even after a compromise has been arrived at, is to point out to the Government Member that, however great a desire there may be on the part of Indians and the Government for speeding up Indianisation of railways,—and I would add here

[Lieut.-Colonel H. A. J. Gidney.]

that I wish to associate myself with my Indian brethren in their desire and claim to secure a rapid Indianisation of railways—there is a real and an acute apprehension existing in the minds of the domiciled community employed to-day on Railways that this Indianisation is to-day affecting and will adversely affect them. I have no desire to point out any invidious distinctions, as did one Honourable Member on Wednesday last, or to lay claim to any communal merits. But I do not think there is anyone inside or outside this House who will deny that Anglo-Indians have special traditional and hereditary claims for employment on Railways which their forefathers laid. Sir, the domiciled community has undoubtedly built up the Indian railways and for us to now feel or to be made to feel that we are being elbowed out of our jobs for Indians is doing a great wrong and injustice to the community. There are about 12,000 of my community employed on Railways and their minds are much agitated on the situation which has been forced on them. I therefore wish to ask the Member in charge of this portfolio whether he will be so kind as to assure me in this Honourable House that there is no fear of the present and future interests of the Anglo-Indian community being overlooked or imperilled in this Indianisation of railways. I desire this assurance from Government.

Mr. President: The first question is the amendment last moved by the Honourable Sir Charles Innes proposing that a new sub-section (9) to the Resolution be substituted for sub-section 9 standing in the name of Sir Purshotamdas Thakurdas.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) : Sir, I am agreeable to withdraw my amendment, but I think it only fair that I should explain the reasons why I withdraw it.

The amendment which I now ask the leave of the House to withdraw is substituted by another amendment which I think provides the safeguards which I am anxious that this Assembly should insist upon. Whilst appreciating the remarks made by the Chief Commissioner I wish to add one word, and that is that the country and the representatives of the tax-payer in this House will make it one of their business hereafter to see that the Railways are put on the best basis possible to earn as much as they can compatible with all the other aspirations of the industrial and commercial communities in India, and with fullest consideration for third class passengers for whom this House is very anxious. With these words I have pleasure—in fact, I am very happy to be able to withdraw my amendment which, owing to Government's unbending attitude, threatened at one time to practically give a set-back to this very desirable administrative reform.

The amendment was, by leave of the Assembly, withdrawn.

Mr. President: The question is :

"That the following be added as a new sub-clause (9) to the Resolution :

'(9) In view of the fact that the Assembly adheres to the Resolution passed in February 1923 in favour of State management of Indian Railways, these arrangements shall hold good only so long as the East Indian Railway and the Great Indian Peninsula Railway and existing State-managed Railways remain under State management. But if in spite of the Assembly's Resolution above referred to, Government should enter on any negotiations for the transfer of any of the above railways to Company management, such negotiations shall not be concluded until facilities have been given for a discussion of the whole matter in the Assembly. If any contract

for the transfer of any of the above railways to Company management is concluded against the advice of the Assembly, the Assembly will be at liberty to terminate the arrangements in this Resolution '."

The question is :

"That these words be added to the Resolution."

The motion was adopted.

Mr. President : Further amendment moved :

"To add as Part II to the Resolution the following :

'Apart from the above convention, this Assembly further recommends

(1) that the Railway services should be rapidly Indianised, and further that Indians should be appointed as Members of the Railway Board as early as possible, and

(2) that the purchase of stores for the State Railways should be undertaken through the organisation of the Stores Purchase Department of the Government of India '."

The question is :

"That those words be added to the Resolution."

The motion was adopted.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Sir, I should like to know the procedure you are going to follow in this matter, because the amendment which stands in my name, and which is numbered 4, relates to the preamble. That is not going to be moved by me nor the subsequent one, numbered 5. The only amendment that I propose to move is in regard to clause (6). If it is desired that I should not move my amendment to clause (6) before the amendments relating to the prior clauses which are set down in the name of other Honourable Members, I shall abide by your ruling.

Mr. President : I called upon the Honourable Member because I was given to understand through the usual channel that the four amendments standing in his name were an integral part of the settlement.

Mr. K. C. Neogy : I beg to move :

"That the following amendments be added to the Resolution :

Clause (6).

(i) For the words 'two nominated official members of the Legislative Assembly one of whom', substitute the words 'one nominated official member of the Legislative Assembly who ';

(ii) For the word 'ten', substitute the word 'eleven ';

(iii) For the words 'two further nominated official members', substitute the words 'one further nominated official member ';

(iv) For the word 'five' wherever it occurs, substitute the word 'six'."

The House will realise that this amendment is aimed at reducing the official representation on the Standing Finance Committee and the Central Advisory Council, and to increase the number of the elected representatives of this House thereon.

As I think my friend the Honourable Sir Charles Innes is going to accept this amendment, I will not take up the time of the House in discussing it.

The Honourable Sir Charles Innes : I wish to say that Government accept Mr. Neogy's amendment.

Mr. President: The question is :

"That these amendments be made."

The motion was adopted.

Diwan Bahadur M. Ramachandra Rao: Sir, on behalf of Mr. K. Rama Aiyangar I beg to move the following amendment :

"That at the end of paragraph 2 of clause (6), the following be added :

'and shall, as far as possible, instead of the expenditure programme revenue show the expenditure under a depreciation fund created as per the new rules for charge to capital and revenue'."

I understand that there is no objection to this amendment from the Government.

Mr. A. A. L. Parsons (Financial Commissioner, Railways) : Sir, I accept the amendment.

Mr. President : The question is :

"That that amendment be made."

The motion was adopted.

Diwan Bahadur M. Ramachandra Rao: Sir, on behalf of Mr. K. Rama Aiyangar I beg to move the following amendment :

"That in clause (7) for the words 'in order that more time may be' the words 'and separate days shall be' be substituted."

Mr. A. A. L. Parsons : Sir, I accept the amendment.

Mr. President : The question is :

"That that amendment be made."

The motion was adopted.

Mr. Bhubanananda Das (Orissa Division : Non-Muhammadan): Sir, my amendment No. 23* has not been taken up.

Mr. President : The warning which I took the liberty of uttering to the House when Colonel Gidney rose is applicable not only to individual speeches but is tenfold more applicable to Members proposing amendments. The structure of the settlement is so delicate that the moving of further amendments may easily disturb it. The Honourable Member has a perfect right to move his amendment but I would appeal to him to forego it.

Mr. Bhubanananda Das : In view of the assurance given by Government I beg leave to withdraw my amendments.

The Honourable Sir Charles Innes : Sir, with reference to what Col. Gidney has just said, I would like to assure Col. Gidney that the interests of the community which he represents will be fully considered.

Lieut.-Colonel H. A. J. Gidney : Thanks very much.

Mr. President : The question is :

"That the main question be now put."

The motion was adopted.

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*"That in paragraph 2 of clause (6) after the words 'railway expenditure' the following be inserted :

'including estimates of capital expenditure on all new projects'."

Mr. President : The question is :

"That the amended Resolution,* as moved by Sir Henry Monerieff Smith, and as subsequently amended by the House, be adopted."

The motion was adopted.

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*"This Assembly recommends to the Governor General in Council that in order to relieve the general budget from the violent fluctuations caused by the incorporation therein of the railway estimates and to enable railways to carry out a continuous railway policy based on the necessity of making a definite return to general revenues, on the money expended by the State on railways :

(1) The railway finances shall be separated from the general finances of the country and the general revenues shall receive a definite annual contribution from railways which shall be the first charge on the net receipts of railways.

(2) The contribution shall be based on the capital at charge and working results of commercial lines, and shall be a sum equal to one per cent. on the capital at charge of commercial lines (excluding capital contributed by companies and Indian States) at the end of the penultimate financial year *plus* one-fifth of any surplus profits remaining after payment of this fixed return, subject to the condition that, if in any year railway revenues are insufficient to provide the percentage of one per cent. on the capital at charge, surplus profits in the next or subsequent years will not be deemed to have accrued for purposes of division until such deficiency has been made good.

The interest on the capital at charge of, and the loss in working, strategic lines shall be borne by general revenues and shall consequently be deducted from the contribution so calculated in order to arrive at the net amount payable from railway to general revenues each year.

(3) Any surplus remaining after this payment to general revenues shall be transferred to a railway reserve ; provided that if the amount available for transfer to the railway reserve exceeds in any year three crores of rupees only two-thirds of the excess over three crores shall be transferred to the railway reserve and the remaining one-third shall accrue to general revenues.

(4) The railway reserve shall be used to secure the payment of the annual contribution to general revenues : to provide, if necessary, for arrears of depreciation and for writing down and writing off capital : and to strengthen the financial position of railways in order that the services rendered to the public may be improved and rates may be reduced.

(5) The railway administration shall be entitled, subject to such conditions as may be prescribed by the Government of India, to borrow temporarily from capital or from the reserves for the purpose of meeting expenditure for which there is no provision or insufficient provision in the revenue budget subject to the obligation to make repayment of such borrowings out of the revenue budgets of subsequent years.

(6) A Standing Finance Committee for Railways shall be constituted consisting of one nominated official member of the Legislative Assembly who should be Chairman and eleven members elected by the Legislative Assembly from their body. The members of the Standing Finance Committee for Railways shall be *ex-officio* members of the Central Advisory Council, which shall consist, in addition, of not more than one further nominated official member, six non-official members selected from a penal of eight elected by the Council of State from their body and six non-official members selected from a penal of eight elected by the Legislative Assembly from their body.

The Railway Department shall place the estimates of railway expenditure before the Standing Finance Committee for Railways on some date prior to the date for the discussion of the demand for grants for railways and shall, as far as possible, instead of the expenditure programme revenue show the expenditure under a depreciation fund created as per the new rules for charge to capital and revenue.

(7) The railway budget shall be presented to the Legislative Assembly if possible in advance of the general budget and separate days shall be allotted for its discussion, and the Member in charge of railways shall then make a general statement on railway accounts and working.

EXCESS GRANTS FOR 1922-23.

EXPENDITURE ACTUALLY INCURRED IN EXCESS OF VOTED GRANTS. LAND REVENUE.

The Honourable Sir Basil Blackett (Finance Member) : Sir, after the exciting achievments on which we are all congratulating ourselves, I am afraid the House will find it very dull to turn to the subject of excess votes.

(At this stage the President vacated the Chair, which was taken by the Deputy President, Diwan Bahadur T. Rangachariar.)

The motion which I have to make is :

"That an excess grant of Rs. 2,450 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1922-23 in respect of 'Land revenue'."

This is a small excess due to a technical cause, namely, the fact that the leave salary of an officer, which was chargeable against Central Revenues, was actually adjusted in the Bombay books, and the fact that it was chargeable against this vote was not brought to the attention of those responsible until the time came for closing the books altogether, that is, long after the end of the year. The Public Accounts Committee has been into this and into other excess votes, and has been trying to frame suggestions, following up the work which was done by the Public Accounts Committee last year, which will, we hope, prevent most of these excesses being repeated in future. The Public Accounts Committee of last year made suggestions which will go a long way to prevent these excesses, but their action came too late to affect the year 1922-23 with which we are now concerned. I do not propose to trouble the House with details of

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The expenditure proposed in the railway budget, including expenditure from the depreciation fund and the railway reserve, shall be placed before the Legislative Assembly in the form of demands for grants. The form the budget shall take after separation, the detail it shall give and the number of demands for grants into which the total vote shall be divided shall be considered by the Railway Board in consultation with the proposed Standing Finance Committee for Railways with a view to the introduction of improvements in time for the next budget, if possible.

(8) These arrangements shall be subject to periodic revision but shall be provisionally tried for at least three years.

(9) In view of the fact that the Assembly adheres to the Resolution passed in February 1923 in favour of State management of Indian Railways, these arrangements shall hold good only so long as the East Indian Railway and the Great Indian Peninsula Railway and existing State-managed Railways remain under State management. But if in spite of the Assembly's Resolution above referred to Government should enter on any negotiations for the transfer of any of the above Railways to Company management, such negotiations shall not be concluded until facilities have been given for a discussion of the whole matter in the Assembly. If any contract for the transfer of any of the above Railways to Company management is concluded against the advice of the Assembly, the Assembly will be at liberty to terminate the arrangements in this Resolution.

Apart from the above convention this Assembly further recommends :

(i) that the Railway services should be rapidly Indianised, and further that Indians should be appointed as Members of the Railway Board as early as possible, and

(ii) that the purchase of stores for the State Railways should be undertaken through the organisation of the Stores Purchase Department of the Government of India."

any of these excess votes in moving them, though I shall be very glad to do my best to answer any questions. I beg to move, Sir.

The motion was adopted.

STAMPS.

The Honourable Sir Basil Blackett : Sir, I move the next vote in respect of " Stamps ".

Mr. Deputy President : The question is :

" That an excess grant of Rs. 10,73,110 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1922-23 in respect of ' Stamps '."

The motion was adopted.

The Honourable Sir Basil Blackett : I suppose it is in accordance with your desire, Sir, that I should move each of these votes separately ?

Mr. Deputy President : Yes, I think so.

POLICE.

The Honourable Sir Basil Blackett : I move :

" That an excess grant of Rs. 9,547 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1922-23 in respect of ' Police '."

Mr. K. Venkataramana Reddi (Guntur *cum* Nellore : Non-Muhammadan Rural) : May I know why this excess grant is incurred ?

The Honourable Sir Basil Blackett : This represents, like the first vote, partly a share of leave salary of certain officers, debitable to Central Revenues, which was originally brought to account against one of the Provincial Governments, and was not transferred to the place to which it properly belongs, namely, Central Revenues, until after the close of the year. It also represents the expenditure on certain establishments which were treated as provincial during the year in question, but were decided to be central after the year had closed, and it also represents a sum of Rs. 359, which is a portion of the expenditure incurred in September 1921 on account of utilisation of the force employed in the Council of State and Legislative Assembly Chambers. That also was omitted in the provision when the estimate was drawn up, under a misapprehension.

The motion was adopted.

SURVEY OF INDIA.

The Honourable Sir Basil Blackett : I move :

" That an excess grant of Rs. 3,07,853 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1922-23 in respect of ' Survey of India '."

Diwan Bahadur M. Ramachandra Rao (Godavari *cum* Kistna : Non-Muhammadan Rural) : Sir, Honourable Members will notice that the net grant available for the Survey of India is Rs. 17,34,000, and the excess now for which the sanction of the House is required is Rs. 3,07,853. Turning to the proceedings of the Public Accounts Committee the only explanation I find is that this was due to the revised estimate being too low. I should like to know the circumstances in which this revised estimate was framed and as to why this excess expenditure of Rs. 3,07,853 was incurred.

The Honourable Sir Basil Blackett : As explained in the Public Accounts Committee last year, it was the habit of the authorities concerned to draw up each year in March a revised estimate for the total budget expenditure for the purpose of presentation to this House at the time of the presentation of a new budget. That was a very desirable procedure in order that this House might know what was the probable outturn of the year that was about to close. But the authorities went further ; they distributed increases or decreases that made up the total of the revised estimate over each individual head of expenditure. Those revised figures for the whole of the expenditure, which were usually in the end found to be a little bit more than the actuals, were drawn up on the basis of expenditure sanctioned to the Accountants General. They were not drawn up on the basis of any consultation with the officers responsible for the expenditure concerned. The net result was that certain officers responsible for expenditure found that in the revised estimate the House had reduced the amount at their disposal by a large sum, of which they had no knowledge, although they had in fact already spent more than the reduced sum. Obviously the revised estimate was useful for certain purposes, namely, for the revised estimate of total expenditure, but ought not to have been distributed over each head without consultation with and careful examination of the figures of expenditure available to the officers responsible for the expenditure. That system was not followed last year, so we hope this cause of an excess vote will not occur again after the year we are now dealing with ; but the new method could not, as I explained, be brought into operation for the year 1922-23 because the Public Accounts Committee only made its recommendation in July 1923. In this particular case the final net vote for " Survey of India " was Rs. 17,34,000. (It is given in the Appendix to the Public Accounts Committee's Report). The original vote was Rs. 25,24,000 and it was reduced by the revised estimate to Rs. 17,34,000. The actual expenditure was Rs. 20,41,000. That is to say, there was a saving as compared with the original estimate, but an excess as compared with the revised estimate. The revised estimate was wrongly framed in this particular case because the stores supplied by the High Commissioner in London were left unadjusted in the accounts of the previous year and had to be brought into the account this year. No account was taken of that fact when the revised estimate was drawn up. But in point of fact the whole explanation is that the revised estimate was drawn up without consultation with the officer responsible for the expenditure.

Diwan Bahadur M. Ramachandra Rao : May I ask the Honourable Member as to the department which watches over the expenditure after the revised estimates are made ? I take it that the account officers have to pass this excess expenditure from time to time after the revised estimates are officially sanctioned by the Government of India. If that is so, does the Finance Department approve of the expenditure incurred after the revised estimates are sanctioned ? I think if there is any expenditure over the revised estimate it ought to be placed before the Standing Finance Committee for its approval.

The Honourable Sir Basil Blackett : It is not a question of new expenditure ; it is a question frequently of expenditure that has actually been incurred before the revised system was drawn up but was not known to be chargeable to this vote. The Public Accounts Committee have given great attention to this matter and I am in hopes that we are

rapidly re-orientating our system of accounts so as to take proper notice of the directions of the Assembly when they vote money.

The motion was adopted.

METEOROLOGY.

The Honourable Sir Basil Blackett : Sir, I move :

"That an excess grant of Rs. 24,847 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1922-23 in respect of 'Meteorology'."

The motion was adopted.

ARCHAEOLOGY.

The Honourable Sir Basil Blackett : Sir, I move :

"That an excess grant of Rs. 24,005 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1922-23 in respect of 'Archaeology'."

The motion was adopted.

MINES.

The Honourable Sir Basil Blackett : Sir, I move :

"That an excess grant of Rs. 4,667 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1922-23 in respect of 'Mines'."

The motion was adopted.

OTHER SCIENTIFIC DEPARTMENTS.

The Honourable Sir Basil Blackett : Sir, I move :

"That an excess grant of Rs. 3,329 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1922-23 in respect of 'Other Scientific Departments'."

The motion was adopted.

EDUCATION.

The Honourable Sir Basil Blackett : Sir, I move :

"That an excess grant of Rs. 7,497 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1922-23 in respect of 'Education'."

The motion was adopted.

MEDICAL SERVICES.

The Honourable Sir Basil Blackett : Sir, I move :

"That an excess grant of Rs. 23,870 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1922-23 in respect of 'Medical Services'."

The motion was adopted.

AGRICULTURE.

The Honourable Sir Basil Blackett : Sir, I move :

"That an excess grant of Rs. 31,894 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1922-23 in respect of 'Agriculture'."

The motion was adopted.

AVIATION.

The Honourable Sir Basil Blackett : Sir, I move :

"That an excess grant of Rs. 6,208 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1922-23 in respect of 'Aviation'."

The motion was adopted.

CENSUS.

The Honourable Sir Basil Blackett : Sir, I move :

"That an excess grant of Rs. 37,241 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1922-23 in respect of 'Census'."

The motion was adopted.

EMIGRATION—EXTERNAL.

The Honourable Sir Basil Blackett : Sir, I move :

"That an excess grant of Rs. 1,019 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1922-23 in respect of 'Emigration—External'."

The motion was adopted.

JOINT STOCK COMPANIES.

The Honourable Sir Basil Blackett : Sir, I move :

"That an excess grant of Rs. 12,781 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1922-23 in respect of 'Joint Stock Companies'."

The motion was adopted.

MISCELLANEOUS DEPARTMENTS.

The Honourable Sir Basil Blackett : Sir, I move :

"That an excess grant of Rs. 13,509 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1922-23 in respect of 'Miscellaneous Departments'."

The motion was adopted.

STATIONERY AND PRINTING.

The Honourable Sir Basil Blackett : Sir, I move :

"That an excess grant of Rs. 41,382 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1922-23 in respect of 'Stationery and Printing'."

The motion was adopted.

ADJUSTMENTS WITH PROVINCIAL GOVERNMENTS.

The Honourable Sir Basil Blackett : Sir, I move :

"That an excess grant of Rs. 7,320 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1922-23 in respect of 'Adjustments with Provincial Governments'."

The motion was adopted.

REFUNDS.

The Honourable Sir Basil Blackett : Sir, I move :

"That an excess grant of Rs. 89,377 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1922-23 in respect of 'Refunds'."

The motion was adopted.

DELHI.

The Honourable Sir Basil Blackett : Sir, I move :

"That an excess grant of Rs. 32,943 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1922-23 in respect of 'Delhi'."

The motion was adopted.

RAJPUTANA.

The Honourable Sir Basil Blackett : Sir, I move :

"That an excess grant of Rs. 62,642 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1922-23 in respect of 'Rajputana'."

The motion was adopted.

CENTRAL INDIA.

The Honourable Sir Basil Blackett : Sir, I move :

"That an excess grant of Rs. 66,497 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1922-23 in respect of 'Central India'."

The motion was adopted.

IRRIGATION.

The Honourable Sir Basil Blackett : Sir, I move :

"That an excess grant of Rs. 25,219 be voted by the Assembly to regularise the expenditure charged to Capital actually incurred in excess of the voted grant in the year 1922-23 in respect of 'Irrigation'."

The motion was adopted.

INTEREST-FREE ADVANCES.

The Honourable Sir Basil Blackett : Sir, I move

"That an excess grant of Rs. 74,49,592 be voted by the Assembly to regularise the expenditure under 'Disbursements of Loans and Advances' actually incurred in excess of the voted grant in the year 1922-23 in respect of 'Interest-free advances'."

Diwan Bahadur M. Ramachandra Rao : Sir, as regards this item I find that some explanation is given in the report of the Public Accounts Committee at page 5, paragraph 12. It is there stated :

"The actual excess occurs under the head of 'advances repayable' and is explained as due partly, as last year, to the system of accounting in the Army Department and partly to heavier advances being made to contractors."

May I ask the Honourable Member whether there is no system in the Army Department of watching advances made to contractors from time to time and whether a large sum of Rs. 74 lakhs should be placed at the disposal of contractors in advance of actual payments, by which the State loses. I should like the Honourable Member to tell us what exactly is the system of the Army Department.

The Honourable Sir Basil Blackett : The explanation of this excess will be found at page 200 of the Appropriation Report of the Central Revenues. This again is really a case where the revised grant is the main cause of the error. The original grant was Rs. 12,06,37,000 ; the revised grant was Rs. 10,31,12,000 ; the actual expenditure was Rs. 11,05,61,000. That is, the original expenditure was 74 lakhs in excess of the revised grant but was just a crore less than the original grant. The main explanation

[Sir Basil Blackett.]

is really there. I shall be very glad to give the Honourable Member a technical explanation of this system of accounting in the Military Department which has given us some trouble in the Public Accounts Committee, but I do not think that I had better enter on a long disquisition here as it is a very technical one. We are trying to improve on it but I should like just to point out to the House that it is not a question of final expenditure. This is merely an advance repayable. What happens is that the advance that is made by the Military to contractors under a regular system is first of all brought to account as an advance repayable voted by this House. It is then charged finally to the Army Department, possibly about three months later and repaid to this vote. It is really only a postponement of about three months of the actual charge to the Army Department.

Diwan Bahadur M. Ramachandra Rao : Sir, my point was not that the original grant was 12 crores. The point really is whether it is right that the contractors, after the final grant of 10 crores has been settled, should have been permitted to use 74 lakhs, and whether there is anybody in the Army Department who is watching the advances made to contractors.

And as regards the 74 lakhs advanced to contractors, was it without any *quid pro quo* to the Department in the shape of interest ?

The Honourable Sir Basil Blackett : There is a *quid pro quo* to the Department in the terms of the contract, one of the terms of which is that certain advances should be made. Otherwise the charge would presumably be higher. I can assure the Honourable Member that there is a very great check kept over this in the Military Accounts Department by the accountants concerned. The difficulty in this case is the difficulty we have come across in many cases, *i.e.*, of lack of co-ordination and of exchange of information between the disbursing authority and the accounting authority. It is probably not correct to say that an advance of 74 lakhs was made after the revised estimate was drawn up. The advance had probably been made already but those who had to frame the revised estimate did not know of it. And this difficulty we hope will not occur.

The motion was adopted.

DEMANDS FOR SUPPLEMENTARY GRANTS.

STAMPS.

The Honourable Sir Basil Blackett (Finance Member) : Sir, I beg to move :

"That a supplementary sum not exceeding Rs. 8,30,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1925, in respect of 'Stamps'."

The purpose of this supplementary grant is to meet a portion of the cost of the initial outlay on the establishment of a security printing press in India for the printing of stamps and stamped paper. The details of what we are proposing have been fully before the Standing Finance Committee on several occasions and I think it is recognised on all sides that it is not only inevitable but extremely desirable that we should incur this expenditure so that we may in future do our own printing in a great many cases where it has hitherto been done for us in London.

I beg to move the motion.

The motion was adopted.

PORTS AND PILOTAGE.

The Honourable Sir Charles Innes (Commerce Member) : Sir, I beg to move :

"That a supplementary sum not exceeding Rs. 75,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1925, in respect of 'Ports and Pilotage'."

This supplementary demand, Sir, has arisen in connection with certain light ships on the Burma coasts. We provided in the budget estimates for Rs. 12,000 for the repair of these light ships. When the ships were laid up, they were found to require more repair than we originally anticipated. That accounts for an excess of Rs. 12,000. In addition, one of the ships was found to be in such a bad condition that, in order to make her fit to meet the cyclonic and the monsoon season of 1925, we had to recondition her at a cost of Rs. 40,000. That accounts almost entirely for this excess demand. The demand has been put in by the Government of Burma and the Government of India are quite satisfied that it must be met. But I may explain that the cost will be covered by dues under the Burma Ports Lights Act.

The motion was adopted.

ZOOLOGICAL SURVEY.

Mr. J. W. Bhore (Secretary, Department of Education, Health and Lands) : Sir, I beg to move :

"That a supplementary sum not exceeding Rs. 38,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1925, in respect of 'Zoological Survey'."

Sir, I need only explain that we are seeking to utilise savings which have accrued under the head of non-voted expenditure due to the fact that European officers whose salaries were non-voted have ceased to be on the establishment and their place has been taken by Indian officers whose salaries are voted. Part of the savings we propose to utilise for the fitting up of the Invertebrate Gallery of the Indian Museum.

Sir, I beg to move the motion.

The motion was adopted.

AGRICULTURE.

Mr. J. W. Bhore : Sir, I beg to move :

"That a supplementary sum not exceeding Rs. 6,57,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1925, in respect of 'Agriculture'."

The explanation for this has been fully given in the note which has been circulated to Members of this House. This is the capital sum representing the book value of the Dairy Farms at Bangalore, Wellington and Karnal, which were transferred in pursuance of the recommendations of the Retrenchment Committee from the Military Department to the

[Mr. J. W. Bhore.]

Civil Department. It involves no extra charge. It is merely a debit to Civil funds and a credit to Military funds.

I beg to move the motion.

Mr. K. C. Neogy (Dacca Divison : Non-Muhammadan Rural) : Sir, I beg to move :

"That the demand under the head 'Agriculture' be reduced by Rs. 100."

My intention in moving this motion is to obtain certain information with regard to the future working of these Dairy Farms. As my Honourable friend, Mr. Bhore, has stated, the transfer of these Dairy Farms from the control of the Army Department to the control of the Agricultural Department, is in pursuance of the recommendations of the Inchcape Committee. The Inchcape Committee in their Report observed that the operations of these farms expanded very considerably during the war and that they were at that time overburdened with buildings and plant in excess of the demands for their produce. And I find that these Military Dairy Farms were responsible for a loss of Rs. 10,66,000 in 1918-19, Rs. 15,90,000 in 1919-20, and Rs. 6,24,000 in 1921-22. And I further note that there is a system in vogue under which the dairy produce is sold at less than cost price. In this connection I also observe that the Inchcape Committee recommended that the system of preferential rates in force should be reviewed. I should like to know whether, with the transfer of these farms to the control of the Agricultural Department, they will be worked on a commercial basis, or whether the same system will continue and whether these farms will show a net loss to the general tax-payer.

Mr. J. W. Bhore : Sir, when these farms were taken over, we decided that they should be worked on a commercial basis and we have made that perfectly clear to those who are charged with the management of these farms. I can give the Honourable Member the assurance that, as far as we possibly can, we shall act in pursuance of that policy in future. We have of course undertaken certain responsibilities when taking over the farms. Under the conditions of transfer, we are bound to guarantee the supply of milk, butter and cream for use of military hospitals and of military personnel. Those were the conditions of transfer and we must adhere to them. But it is made perfectly clear that it is open to the Department of Agriculture to increase the prices of these articles charged to the military, in case we find they do not pay, with the sanction of the Government of India. I can assure the Honourable Member that we shall strictly adhere to this policy. We are not yet in a position to say what is the result of the first year's working but we shall regulate our policy in regard to charges in accordance with the results of the audited accounts that we get. I hope the Honourable Member will be satisfied with this assurance.

12 NOON.

Mr. K. C. Neogy : I beg leave to withdraw the motion.

The motion was, by leave of the Assembly, withdrawn.

Mr. Deputy President : The question is :

"That a supplementary sum not exceeding Rs. 6,57,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1925, in respect of 'Agriculture'."

The motion was adopted.

COMMERCIAL INTELLIGENCE.

The Honourable Sir Charles Innes : Sir, I beg to move :

"That a supplementary sum not exceeding Rs. 1,01,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1925, in respect of 'Commercial Intelligence'."

The explanation of this Demand, Sir, is that certain Local Governments have been collecting for us certain land frontier trade statistics. These statistics have hitherto been collected at the cost of the Local Government, but under the reform scheme and under the Devolution Rules statistics are a central subject and the two Local Governments concerned, namely, the Governments of the United Provinces and of Bihar and Orissa, have now sent us in a bill for the amount. We have had to accept the bill. I may say for the information of the House that we have the whole question of trade statistics under our consideration at the moment and we hope to make better and possibly cheaper arrangements. I move the motion, Sir.

Mr. B. Venkatapatiraju (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) : Sir, I notice from the proceedings of the Standing Finance Committee supplied to us that the Government propose to spend about Rs. 66,100 for the purpose of an Expert Committee to inquire into and report as to what measures should be taken for the improvement of coal export.

The Honourable Sir Charles Innes : Sir, I rise to a point of order. That question has nothing to do with this Demand, nor does it come under the Commerce Department Budget.

Mr. Deputy President : This Demand relates to Commercial Intelligence. Under what head does the Honourable Member wish to bring his point ?

Mr. B. Venkatapatiraju : Sir, the Government propose to spend this amount and they have not brought it before the Assembly. I want to know whether they want to spend it without the knowledge of the Assembly or whether they want to spend it by reappropriation from other funds or whether they would bring it under any head.

Mr. Deputy President : The Honourable Member has not answered my question. Under what head does he wish to bring it ? How does it come under the head 'Commercial Intelligence' ?

Mr. B. Venkatapatiraju : I understand, Sir, that Sir Charles Innes is in charge of the Commerce Department and he wants that an Expert Committee should be appointed to inquire into the coal trade. Therefore, the Honourable the Commerce Member is responsible for this. If not Sir Charles Innes, I may ask the Honourable the Finance Member whether he is responsible for spending this amount. Somebody must be answerable for spending this amount. I want just to know whether the Government are prepared to place the question before the Assembly before they propose to spend the amount or whether they want to spend it without the knowledge of the Assembly or whether they want to spend it by reappropriation from any other sources available to them without placing the matter before the Assembly. That is the object with which I raised this question. Whether it is in charge of the Finance Member or the Commerce Member matters very little to me. But I want to raise the constitutional question. They ought to spend a large amount only with the

[Mr. B. Venkatapatiraju.]

knowledge and with the permission of this Assembly. It is for that purpose that I raise this question.

The Honourable Sir Basil Blackett : I should be extremely happy to give the explanation as I have no desire to burke discussion, but I believe it to be entirely out of order.

Mr. Deputy President : If the objection is taken on a point of order I must uphold the objection. I wish to know whether objection is taken on a point of order, or whether the Honourable Member is willing to give the explanation.

The Honourable Sir Basil Blackett : In the interests of regularity of discussion in this House I do not think it desirable that we should have a discussion, if I may say so, on a subject of this sort on a vote that has nothing to do with it. But I should be very happy to give the information with the leave of the House.

Mr. Deputy President : I would not allow a discussion, but I will certainly allow the Honourable the Finance Member, if he is prepared to give the explanation, to give it.

The Honourable Sir Basil Blackett : The expenditure on the Coal Committee, Sir, will be a charge against vote No. 47, " Miscellaneous ", the vote under which provision is made for expenditure on committees of this sort. The proposals for the expenditure were, in accordance with the arrangements agreed to between the House and the Government, put before the Standing Finance Committee, and their recommendation on the subject is contained in this Volume. I think it is on page 53 of Vol. IV, No. 2, of the Standing Finance Committee's recent report. The estimated expenditure for the next about five months is about Rs. 66,000. It will be observed that no supplementary estimate under the head " Miscellaneous " is before the House for the reason that it is expected that savings in other heads under the vote " Miscellaneous " will be sufficient to cover this additional expenditure. No additional grant from the House over and above the grant already voted is therefore required. The sum will, we hope, be met by reappropriation within the vote. It will be met with the full knowledge of the Standing Finance Committee, and I think it is in accordance with the regular practice.

(Sardar V. N. Mutalik then rose to speak.)

Mr. Deputy President : I would not allow any discussion on this. Honourable Members having heard the explanation, if they want to discuss it, they will have to do so on an independent motion.

Sardar V. N. Mutalik (Gujarat and Deccan Sardars and Inamdars : Landholders) : Can I not speak on the explanation that has been supplied to the House on the question raised by the Honourable Mr. Raju?

Mr. Deputy President : I cannot allow that discussion. The question is :

" That a supplementary sum not exceeding Rs. 1,01,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1925, in respect of ' Commercial Intelligence '."

The motion was adopted.

EXPENDITURE IN ENGLAND (HIGH COMMISSIONER FOR INDIA).

The Honourable Mr. A. C. Chatterjee (Industries Member) : Sir, I beg to move :

"That a supplementary sum not exceeding Rs. 70,000 (gross) be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1925, in respect of 'Expenditure in England (High Commissioner for India)'."

The reasons for this motion are explained in the blue book which has been circulated to Honourable Members. It is consequential on the Government taking over under State management the East Indian Railway and the Great Indian Peninsula Railway. The stores that used to be purchased by the Home Boards of these two Railways in England will now be purchased by the organisation under the High Commissioner and the High Commissioner has therefore to be placed in funds in order to meet the additional staff that will be necessary. He will have to pay for the additional staff in his own office and certain expenses that are ordinarily incurred by the Consulting Engineers in these respects. The amount that we are asking for this year is what will be required during this year, but the amount next year will probably be somewhat larger. At the same time, I wish to repeat the explanation which was given to the Standing Finance Committee, namely, that practically the whole sum will be recovered in the way of surcharges from the Railway Administrations. The net cost to Government will, therefore, be practically nothing. As a matter of fact, the new procedure will entail a very considerable saving as the High Commissioner will be able to utilise his ordinary staff for much of the work which used to be done by a special staff employed by the Home Boards of the two Railways. Sir, I move the motion.

Mr. Deputy President : The question is :

"That a supplementary sum not exceeding Rs. 70,000 (gross) be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1925, in respect of 'Expenditure in England (High Commissioner for India)'."

The motion was adopted.

DEPUTATION OF MR. DENYS BRAY TO THE FRONTIER IN CONNECTION WITH THE RIOT AT KOHAT.

The Honourable Sir Alexander Muddiman (Home Member) : With your permission, Sir, I should like to announce to the House that His Excellency the Governor General has decided to depute Mr. Bray, Foreign Secretary, to proceed to the Frontier at once, to discuss the situation with the Chief Commissioner and consult with him as to the measures which should be taken to restore confidence, and to report the result to the Government of India with the least possible delay. I may add that Mr. Bray will leave Simla by to-day's afternoon train.

RIOT AT KOHAT.

Mr. Denys Bray (Foreign Secretary) : With your permission, I should like to correct a mis-statement of mine the other day. I stated in the House that some 303 Muslims had been placed under arrest in Kohat. The telegram that had reached me actually read "303 Muslims had been arrested". I have now ascertained that this was a mutilation and that

[Mr. Denys Bray.]

the telegram ought to have read "3 Hindus and 3 Muslims had been arrested". I should like to add this that with a view to restore confidence as soon as might be and to facilitate the return of the Hindus in particular to Kohat, arrangements are being made to advance money to those who are really homeless and really indigent with a view to helping them to get back to Kohat.

Mr. Deputy President: The Honourable Sardar V. N. Mutalik wants to know why I disallowed* discussion. It is not usual to give an explanation of the rulings of the Chair, but the matter is obvious. If the Honourable Member had followed the discussion he would have noticed that the point that Mr. Raju raised does not arise out of the grant before the House. That is why I overruled the discussion.

The Assembly then adjourend till Eleven of the Clock on Monday, the 22nd September, 1924.

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* *See* p. 3880, *ante.*

LEGISLATIVE ASSEMBLY.

Monday, 22nd September, 1924.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

PUNISHMENT OF RAILWAY EMPLOYEES FOR INFRINGEMENT OF RULES.

2297. ***Mr. M. Yusuf Imam** : (*a*) Will the Government state what railway rule is infringed by the employees by going away for a few hours from their stations to fetch provisions and other necessaries during the rest hours ; and also state under what rule the various kinds of punishments, namely, suspension with a forfeiture of pay, reduction in pay, postponing annual increment, etc., are inflicted on them for the reasons, a complaint about which has been published in the newspapers *Lakshman* dated 26th July 1923, and also *Bharatjiwan* dated 26th November 1923 ?

(*b*). Is it correct that the forfeiture of a sum from an employee's salary on account of suspension or reduction in pay is only permissible in cases of infringement of the general rules 225, 226, 229, 231, 232, 233, 242 and 243 but in all other cases only a fine is imposable as per general rule 359 (1), provided that no railway servant shall be thereby rendered liable to be punished twice for the same offence ?

Mr. C. D. M. Hindley : (*a*) Government have not seen the complaints referred to, and, in the absence of information as to the facts and the railway concerned, they are not in a position to give a reply to this part of the question.

(*b*) A copy of General Rule 359 (1), which gives details of the penalties for breach of the rules quoted, is being sent to the Honourable Member.

ROYAL ARMY TEMPERANCE ASSOCIATION.

2298. ***Mr. C. S. Ranga Iyer** : (*i*) Will the Government be pleased to state whether it is a fact that the Royal Army Temperance Association has ceased to exist ? If so, from when ? And why ?

(*ii*) (*a*) Was a committee appointed by the Government to inquire into the affairs of the Association ?

(*b*) Has the Committee reported ?

(*c*) Will the Government be pleased to publish the report ?

(*d*) Will the Government place on the table all the papers in its possession bearing on this subject ?

Mr. E. Burdon : (*i*) The Government of India are informed that the Governing Council of the Royal Army Temperance Association (India) has ordered its branches to close with effect from the 29th February 1924 but that the Association has not yet terminated its existence. The chief reasons for the closure of the branches of the Association are understood to be :

(1) the standard of temperance among British soldiers has much improved ;

(2) in recent years, reforms have been introduced in the administration of regimental institutes and other measures have been devised which render unnecessary the direct activities of the Royal Army Temperance Association (India).

(*ii*) (*a*). No.

(*b*) (*c*) (*d*). Do not arise.

Mr. C. S. Ranga Iyer : Will Government be pleased to state if a kind of, if I may use the expression without any offence, fraud was perpetrated on the funds of the Association ?

Mr. E. Burdon : I am afraid that Government are not in a position to make any statement on the point. The Royal Army Temperance Association (India) is a body incorporated under a Statute with a memorandum of association of its own, and is not, strictly speaking, an official organisation.

MEDICAL EXAMINATION OF PILGRIMS TO BAGHDAD AND KERBALA.

2299. ***Haji Wajihuddin :** Is it a fact that pilgrims for Baghdad and Kerbala suffered last season great hardships after embarkation from Bombay when they were taken out from the steamer at Karachi for medical examination and if so under what authority and for what special reason examination was done at Karachi after sailing from the port of Bombay ? Do the Government propose to issue necessary instructions in the matter ?

Mr. J. W. Bhore : Pilgrims to Baghdad and Kerbala do not sail by pilgrim ships and are not treated as pilgrims under the Indian Merchant Shipping Act, 1923. They sail by ordinary ships and if any such ships arrive at Karachi from Bombay without bills of health they have to send ashore all deck passengers travelling to ports beyond India for compulsory disinfection and medical examination under the rules made under the Indian Ports Act. No cases of hardship caused to such pasengers have come to the notice of Government and they do not therefore propose to issue any instructions in the matter.

INSTALLATION OF A TRAIN STOP APPARATUS ON THE GREAT INDIAN PENINSULA RAILWAY.

2300. ***Haji Wajihuddin :** Are the Government aware that the G. I. P. Railway have recently installed a 'Train Stop' on certain portions of their line and if so to what extent it prevents the possibility of collision and accidents and what is the cost of installation and whether it is proposed to extend same gradually throughout India ?

Mr. A. A. L. Parsons : Government are aware that a Train Stop apparatus is being installed on the Itarsi-Jubbulpore section of the Great Indian Peninsula Railway as an experimental measure, at an estimated cost of about Rs. 46,000. The object aimed at is the prevention of collisions by preventing two trains being on the same block section at the same time, but it is not possible to say if this object will be achieved or whether the use of the appliance will be increased until the results of the experiment are known. These results of course will be carefully watched.

Repatriation of Pilgrims to the Hedjaz.

2301. ***Haji Wajihuddin** : Will the Government be pleased to state (*a*) the approximate number of Hedjaz pilgrims who purchased from Indian ports during last season single and return tickets respectively, (*b*) how many of them came back safely at their own expense, (*c*) how many were found destitute and at what cost were they repatriated ?

Mr. J. W. Bhore : A statement giving the necessary information is placed on the table.

Statement showing the number of Hedjaz pilgrims who purchased single and return tickets during the pilgrim season of 1923; the number of destitutes and the cost of their repatriation.

Number of pilgrims who purchased single tickets.	Number of pilgrims who purchased return tickets.	*Number of destitutes.		Expenditure on the repatriation of destitute pilgrims.			
		Repatriated by shipping Companies free of charge.	Repatriated by Government.	Contributions by pilgrims.	Contribution by Central Haj Committee.	Contribution by Government of India.	Total expenditure.
				Rs.	Rs.	Rs.	Rs.
23,349	694	1,049	1,716	19,361	2,600	35,300	57,261

* The rest of such pilgrims as returned to India presumably paid their own expenses.

Railway Disaster near Harappa on the North-Western Railway.

2302. ***Sardar Gulab Singh** : (*a*) Are the Government aware that a serious collision occurred beyond Harappa on the N. W. R. on the 29th August, resulting in very serious casualties ?

(*b*) Are the Government aware that all the passengers killed or injured belong to the intermediate and third class ?

(*c*) Will the Government please state how many suits have been filed for compensation by the sufferers ?

(*d*) Do the Government contemplate instructing the railway authorities to voluntarily give deserving compensation in the case of every sufferer ?

(*e*) Are the Government prepared to suggest two arbitrators to the railway authorities and the sufferers who may estimate the amount of compensation deserved in each case ?

Mr. A. A. L. Parsons: (*a*) to (*d*). The Honourable Member is referred to the reply given in this Assembly on 10th September 1924, to Diwan Bahadur M. Ramachandra Rao's question.

(*e*) Government do not consider that this is necessary.

CASUALTIES AMONG THIRD AND INTERMEDIATE CLASS PASSENGERS IN RAILWAY COLLISIONS.

2303. ***Sardar Gulab Singh** : (*a*) Are the Government aware that most casualties occur amongst third and intermediate class passengers during collisions ?

(*b*) What immediate action, if any, do the railway authorities contemplate taking to minimise the risk of travelling for this class of passengers ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) The Honourable Member is referred to the reply given in this Assembly on 10th September 1924, to Diwan Bahadur M. Ramachandra Rao's question.

COLLISIONS ON RAILWAYS IN 1924.

2304. ***Sardar Gulab Singh** : Will the Government please state the number of railway collisions that have occurred during this year, giving in each case the following facts:—(1) Name of railway where collision occurred, (2) Number of killed, (3) Number of wounded, (4) Total amount of compensation awarded, (5) Number of casualties amongst first and second class passengers, (6) Number of casualties among railway staff, (7) The number of suits filed for compensation.

Mr. A. A. L. Parsons : All the information available will be found in Appendix C. of Volume II of the Report by the Railway Board on Indian Railways for 1923-24, which will be issued shortly.

GRIEVANCES OF THE BELUR PASSENGERS.

2305. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Has the attention of Government been drawn to the letter published in the issue of the *Forward* of the 6th September 1924, page 11, under the heading "Grievances of the Belur passengers" ?

(*b*) If so, will they please state if the statements made therein are correct ?

(*c*) If correct do they propose to issue instructions to the railway authorities concerned to redress the grievances of the travelling public ?

Mr. A. A. L. Parsons : (*a*) Government have seen the letter referred to.

(*b*) and (*c*). A copy of this question and answer, together with a copy of the letter, will be forwarded to the Agent, who will doubtless discuss the matter with his Local Advisory Committee.

REVIVAL OF THE SALT INDUSTRY ON THE ORISSA COAST.

2306. *Pandit Nilakantha Das : (1) Are the Government aware :

(*a*) that in the old Bihar and Orissa Legislative Council a Resolution was moved in March 1918 to revive the salt industry on the coast of Orissa ;

(*b*) that the Government of Bihar and Orissa gave assurances for reviving the salt industry there ?

(2) Was (*i*) any inquiry made, (*ii*) responsible firm asked, or (*iii*) the Government of India moved, in accordance with the promise made by the Bihar and Orissa Government on that occasion ; and (*iv*) was there any attempt made on the part of the Government for the revival of the industry in the area ?

(3) If so, what was done, with what result ?

The Honourable Sir Basil Blackett : (1) The answer is in affirmative.

(2) and (3). In view of the then prevalent shortage of salt in India, inquiries were made, which resulted in firms of standing interesting themselves in the revival of the salt industry in Orissa. The firms however eventually abandoned their schemes on detailed examination.

MANUFACTURE OF SALT FOR HOME CONSUMPTION BY THE PEOPLE OF ORISSA DURING THE FAMINE OF 1919-20.

2307. *Pandit Nilakantha Das : Are the Government aware that in the last Puri famine in 1919-1920 the Government of Sir E. Gait instructed the local officials by a confidential circular to allow the people of the salt areas to manufacture salt for their home consumption as an anti-famine measure ?

The Honourable Sir Basil Blackett : The Honourable Member is presumably referring to the instructions issued in 1918, when in view of the shortage of salt stocks in India and the high prices, excise officers were instructed not to prosecute persons who extracted salt on a small scale for their home consumption.

REVIVAL OF THE SALT INDUSTRY ON THE ORISSA COAST.

2308. *Pandit Nilakantha Das : Has the attention of the Government been drawn to the fact that recently on Aug. 21, the people of Parikud (Chilka Salt areas) have approached the Government for the immediate revival of the salt industry in the said area with the following resolution passed at a gathering of the people there ?

The Resolution runs :

"In view of the fact that the salt industry, which was the main industry of the people of the coast lands, having been abolished, this locality has fallen without labour and occupation and that agriculture being not in keeping with the climatic conditions of the place, scarcity and even famine have practically become endemic in this area, this meeting of the rayats of Parikud most emphatically expresses that the revival of salt industry is the main remedy for saving the people from famine

and emigration and saving the area from ultimate depopulation. This meeting prays that the Government do take immediate measures to revive the industry, which was the main occupation of the people from very ancient times."

The Honourable Sir Basil Blackett : The answer is in the negative.

REVIVAL OF THE SALT INDUSTRY ON THE ORISSA COAST.

2309. ***Pandit Nilakantha Das** : Are the Government prepared to consider immediate measures and take effective steps for the revival of the salt industry on the Orissa coast,

(*i*) to give relief to the people there in need, as well as

(*ii*) to redeem the assurances of the Bihar and Orissa Government, made in 1918 ?

The Honourable Sir Basil Blackett : The administration of the Salt Department in Orissa will, it is anticipated, shortly be taken over by the Central Board of Revenue and the Board will give due consideration to any reasonable proposal that may be put forward before it for the suggested revival of the salt industry in Orissa.

PROCEDURE FOLLOWED BY THE INDIAN STORES DEPARTMENT *re* TENDERS FOR STORES.

2310. ***Sir P. S. Sivaswamy Aiyer** : 1. Will the Government be pleased to state, if it is true :

(*a*) That tenders for stores to be purchased by the Indian Stores Department are advertised for in the Indian Trades Journal ?

(*b*) That on the due date the tenders are opened publicly, in the presence of any tenderers who wish to be present and the prices quoted are read over to them ?

(*c*) That a statement of all orders placed by the Department, with prices, is published weekly in leading papers in India ?

2. If the reply to question No. 1 be in the affirmative, will the Government be pleased to state, if there are any reasons why unlike the Indian Stores Department, the Master General of Supplies and the different railway administrations and the Railway Board do not follow this wholesome procedure ?

The Honourable Mr. A. C. Chatterjee : 1. (*a*) The procedure in force in the Indian Stores Department is, whenever time permits, to invite tenders for all requirements exceeding Rs. 5,000 in value by means of advertisements in the *Indian Trades Journal* and, in special cases, in leading newspapers also. For urgent demands and demands under Rs. 5,000 in value tenders are invited from firms, borne on the list of the Chief Controller of Stores, which deal in the class of articles required.

(*b*) and (*c*). The answer is in the affirmative.

2. The Railway Board have instructed railway administrations to follow, as far as is practicable, the procedure indicated in parts 1, (*a*) and (*b*) of the question, and, though it would probably not be feasible to publish weekly in the leading newspapers a statement of all the numerous orders, large and small, placed by railways, the Railway Board have also asked railway administrations to publish results of tenders called for publicly in the *Indian Trades Journal*.

The methods of purchase adopted by the Master General of Supply vary according to the nature of the commodity. Generally speaking, these methods are directed to the securing of supplies of the requisite quality at the cheapest rates. The methods actually followed are as follows :

(*a*) *Food grains* are purchased wholesale in the principal growing centres through the agency of a commercial firm of standing and tenders for the agency are invited through the medium of the various European and Indian Chambers of Commerce in India.

(*b*) *Wheat products* are obtained by milling Government wheat at mills taken under Government control.

(*c*) *Coal and coke* are obtained through the Chief Mining Engineer, Railway Board, who places his orders with the collieries.

(*d*) *Petrol, mineral oil, lubricants and paints.* Tenders are invited from the producers and manufacturers and their accredited agents who are the only wholesale source of supply.

(*e*) *Miscellaneous stores including Ordnance stores.* A list of approved firms, whose credentials and resources have been ascertained, is maintained, and tenders are invited from these firms.

In view of the market conditions obtaining in respect of the classes of stores with which the Master General of Supply deals it is considered that the existing procedure has many advantages, but the question will receive further consideration.

STORES FOR THE MASTER GENERAL OF SUPPLY, THE RAILWAY BOARD AND RAILWAY ADMINISTRATIONS.

2311. *Sir P. S. Sivaswamy Aiyer : Will the Government be pleased to order the Master General of Supply, the Railway Board, and all the railway administrations in the future :

(*a*) firstly to advertise for tenders of all their requirements above Rs. 2,000 and also state in the tenders where the stores are required ;

(*b*) secondly, to open all tenders publicly and read out the rates to the competitors who wish to be present ;

(*c*) thirdly, to publish weekly, in the leading papers, statements of all orders placed with prices.

Mr. A. A. L. Parsons : Government are not prepared to issue orders to the Master General of Supply on the lines suggested. The procedure followed by that officer in the matter of obtaining supplies has already been fully described in the answer given to the Honourable Member's starred question immediately preceding this one, to which I would invite his attention :

(*a*) As regards the Railway Board, they seldom, if ever, purchase stores, etc., without calling for tenders. With regard to the railway administrations, it would not be practicable or economical in all cases for railways to advertise for tenders for all their requirements above Rs. 2,000, but this is done in the majority of cases. There are cases in which advertising for tenders would serve no useful purpose or would

cause delay in meeting urgent demands. The tender forms indicate where the stores are to be delivered. I may mention however that numerous railway advertisements for *tenders already appear in the Indian Trades Journal* and I will suggest to Agents that the practice should be extended as far as possible.

(*b*) and (*c*). The Honourable Member is referred to the reply given to part (2) of his question immediately preceding this one.

Mr. Chaman Lall: Will Government be pleased to inform the House as to the procedure adopted in giving tenders for railway sleepers to Spedding and Co. ?

ARMY CANTEEN BOARD.

2312. ***Mr. Kumar Sankar Ray**: (*a*) Will the Government be pleased to state when the present Army Canteen Board system was started ?

(*b*) Will the Government state what is the constitution of the above Board and what control, if any, have the Government got over its management and constitution ?

(*c*) Will the Government also state the number of Indian and British units in which the system has been tried and its financial effect on the Government, if any ?

(*d*) Which of the two systems (the Army Canteen Board system or the old tenancy system) has been found to be more advantageous from the soldiers' point of view and what do the Government propose to do to meet the wishes of those concerned ?

(*e*) Will the Government be pleased to lay on the table figures showing the strength and pay of the establishment at the Head Office of the Board under the following heads :—Officers—Indians and Europeans, Establishment under the Chief Accountant—Indians and Europeans (including Christians and Anglo-Indians), Establishment under the Secretary—Indians and others ?

(*f*) What is the proportion of Indian establishment to Europeans in respect of the strength and pay ?

Mr. E. Burdon: (*a*) The Army Canteen Board (India) was incorporated as a Company "Not for profit and limited by guarantee" on the 7th February 1922.

(*b*) The constitution of the Board is that of a Company "Not for profit and limited by guarantee" and registered under the Indian Companies Act, 1913. The answer to the second part of the question is that the Government retain control over the Board through those provisions in the articles of association which lay down that certain officials of Government, financial and other, shall be associated with the conduct of the Board's operations.

(*c*) Up to date, the following are the number of British regimental institutes and Indian unit shops conducted by the Army Canteen Board (India) :—British—69 ; Indian—11.

As for the latter part of the question, I am not sure that I understand it. The financial position of the Board was described in the answer given on the 9th June last to starred question No. 1414.

(*d*) Government have reason to believe that the soldier regards the Army Canteen Board (India) system as being more advantageous to him than the old tenancy system.

(*e*) and (*f*). I will furnish the Honourable Member separately with two statements which have been given to me by the courtesy of the Board of Management. It is perhaps desirable for me to emphasise the fact that these establishments are not Government establishments.

"D" CLASS QUARTERS FOR GOVERNMENT OF INDIA CLERKS AT RAISINA, DELHI.

2313. ***Mr. Kumar Sankar Ray**: (*a*) Are the Government aware that the lowest class (D) of residential quarters at Raisina are liked by most of the Government of India clerks more than the higher class ones, if given an option ?

(*b*) Are the Government aware that it is due firstly to the fact that D class quarters are quite suitable for the requirements of clerks getting pay not only up to 200, but also for those in receipt of pay up to 300 and even 400, and secondly that it is very hard for most of them to pay higher rent when a lower rent quarter is as suitable for them as that of the higher rent ?

(*c*) Are the Government prepared to consider the question of constructing a larger number of D class quarters and to reduce the rent of C class ones ?

(*d*) What are the additional articles of furniture available for hire at the Raisina furniture office of the P. W. D. for the next year and what are their rents per mensem ?

The Honourable Mr. A. C. Chatterjee: (*a*) The answer is in the negative.

(*b*) Does not arise.

(*c*) No. The sanctioned scheme is approaching completion. It may however be mentioned that of the total number of 1,302 married Clerks' quarters, 849 are Class D.

(*d*) The information is not at present available.

QUALIFICATIONS, ETC., OF CERTAIN CLASSES OF OFFICIALS EMPLOYED IN THE INCOME-TAX DEPARTMENT, BOMBAY.

2314. ***Mr. Jamnadas M. Mehta**: (1) Will Government be pleased to lay on the table a statement, containing information regarding the qualifications necessary for the post of :

(*i*) Income-tax Examiner, (*ii*) Income-tax Inspector, (*iii*) Assistant Examiner, (*iv*) Assistant or Sub-Inspector, (*v*) Bailiffs attached to Income-tax offices

Suburban District and other Districts of the Bombay Presidency ?

(2) Will Government be pleased to lay on the table a statement in the following form regarding the officers mentioned in Part (1) ?

Serial No.	Name in full beginning with Surnames.	Age at the time of appointment.	Educational qualifications.	Appointed as with starting salary.	Date and place of appointment.	Present post held.	Present salary with amounts of promotions given with dates in each case.	Place working with date of transfer to the place.

(3) Will Government be pleased to lay on the table a statement in the subjoined form of all applications for the posts of the officers mentioned in Part (1) and received on or after the 1st May 1923 to 31st July 1924 ?

Serial No.	Name of applicants.	Educational qualifications.	Date on which application was received.

The Honourable Sir Basil Blackett : A statement showing the scale of pay of Incom-tax Examiners, Income-tax Inspectors, etc., is placed on the table.

The Government do not propose to order the collection of the remainder of the information asked for, which would involve much labour.

Statement showing the scales of pay sanctioned for Income-tax Examiners and Inspectors, etc., for the Bombay Presidency.

Designation.	Bombay City.	Bombay Mofussil.
	Rs.	Rs.
Chief Examiner	550—25—700	..
Examiners	225—$\frac{25}{2}$—500	(Sind) { 175—$\frac{25}{2}$—325 / 150—15—225
Inspectors	200—$\frac{25}{2}$—500	(Sind) { 150—$\frac{25}{2}$—325 / 150—15—225
Assistant Examiners ..	..	115—5—150
Sub-Inspectors	..	115—5—150

STOPPAGE OF RECRUITMENT IN KUMAUN.

2315. *Mr. C. S. Ranga Iyer : (1) Will the Government be pleased to state if it is a fact that recruitment for the first battalion of the

Kumaun Rifles and other regiments has been stopped from the towns of Almora, Ranikhet and from the Parganas of Baramandal (excepting Danpur) ; and Pali in the Almora District, Kumaun U. P. If so why ?

(2) Will the Government be further pleased to state whether it is a fact that the interests of men of all position of the aforesaid Parganas, who are already in the first battalion Kumaun Rifles are being overlooked so as to force some competent Havildars and men of services varying from 11 ; 9 ; 8 ; 7 ; 6 ; and 3 years to request for voluntary discharge.

Mr. E. Burdon : (1) No orders have been issued stopping recruitment from any part of Kumaon.

(2) So far as the Government of India are aware this is not a fact, but if the Honourable Member can furnish me with particulars of any case which he knows of, I will have the matter inquired into.

NEW PENSION RULES.

2316. ***Mr. D. V. Belvi :** Will Government be pleased to state when they expect to publish the new Pension Rules under the Fundamental Rules as regards the subordinate or non-gazetted services ?

The Honourable Sir Basil Blackett : The rules are now under the consideration of the Secretary of State. I am not in a position to say when they will be published.

STOPPAGE OF ACTING PROMOTIONS IN VACANCIES OF ACCOUNTANTS IN THE OFFICE OF THE CONTROLLER OF MILITARY ACCOUNTS, SOUTHERN COMMAND AND POONA DISTRICT.

2317. ***Dr. K. G. Lohokare :** Will Government please say whether the Controller of Military Accounts, Southern Command and Poona District, has withheld altogether acting promotions in vacancies of accountants on leave in his office between 1st September 1922 to 15th September 1923 and narrowed the field for such appointments by making acting promotions from 16th September 1923 to 29th February 1924 only within the strength of accountants authorised for his office on the grounds that the number of accountants actually attached to his office has been continuously in excess of the post-war complement of accountants allotted to his office ?

The Honourable Sir Basil Blackett : The information has been called for and will be furnished to the Honourable Member on receipt.

STRENGTH OF ACCOUNTANTS IN MILITARY ACCOUNTS OFFICES.

2318. ***Dr. K. G. Lohokare :** (*a*) Is it a fact that there exists only one All-India roster of accountants and that the Military Accountant General watches that the strength of accountants on an All-India basis is not exceeded and that the authorised proportion of accountants to clerks for the whole of India and in each Military Accounts office is maintained ?

(*b*) If so, has not an excess of accountants in the Southern Command and Poona District offices created a shortage in other offices ?

(*c*) Was the strength of accountants in other Military Accounts offices in India between September 1920 to August 1924 within the complement ? If not, did not the respective authorities experience similar difficulty ?

(*d*) Were acting promotions in vacancies created by accountants on leave in the other Command and District Controllers' Offices in India strictly restricted to the complement of accountants sanctioned for their offices ?

(*e*) If no such restrictions were required to be observed by them will Government please say, if they propose to reconsider the orders by the Southern Command and Poona District offices in view of the general roster basis ?

The Honourable Sir Basil Blackett : The information has been called for and will be furnished to the Honourable Member on receipt.

OVERLOOKING OF THE CLAIMS OF SENIOR CLERKS TO OFFICIATE AS ACCOUNTANTS IN THE OFFICE OF THE CONTROLLER OF MILITARY ACCOUNTS, SOUTHERN COMMAND AND POONA DISTRICT.

2319. ***Dr. K. G. Lohokare :** Is it a fact that certain senior clerks who have qualified themselves for promotion by passing the subordinate Accounts Service Examination have been overlooked—for no fault or inefficiency of theirs—for officiating promotions in leave vacancies of accountants on the roster of the Controller of Military Accounts, Southern Command and Poona District, Poona, from 1st March 1924, and onwards ? If so, will Government please make inquiries why the senior clerks' claims have been overlooked ?

The Honourable Sir Basil Blackett : The information has been called for and will be furnished to the Honourable Member on receipt.

LEAVE VACANCIES IN THE MILITARY ACCOUNTS OFFICES.

2320. ***Dr. K. G. Lohokare :** Is it a fact that accountants on privilege leave pending reversion to their permanent offices are required to be retained on the strength of the office by the Field Controller of Military Accounts, Poona, until the expiry of their leave and that officiating vacancies in their places are neither filled up by their respective Controllers nor by the Field Controller of Military Accounts, Poona ? Is it decided that such vacancies should not be filled up and should lapse and that clerks serving in the Field Controller's office should remain adversely affected owing to lack of acting appointments as compared with District Controllers' Offices in India ? If not, do Government propose to issue necessary instructions to the authorities concerned to fill up such officiating appointments ?

The Honourable Sir Basil Blackett : The information has been called for and will be furnished to the Honourable Member on receipt.

EVIDENCE OF SIR SANKARAN NAIR IN THE O'DWYER NAIR LIBEL SUIT.

2321. ***Mr. C. S. Ranga Iyer :** (*a*) Has the attention of the Government been drawn to the evidence of Sir Sankaran Nair in the libel case brought against him by Sir Michael O'Dwyer ?

(*b*) Has the attention of the Government been drawn to the report of the proceedings published in the *London Times* which contains the evidence ? Are the Government aware that the following passage occurs in the *Times* report :

"*Sir Walter Schwabe*—Was it suggested that you should see Gandhi....." "I was asked to meet him at a round table conference and to discuss a number of matters."

"Did he refuse to have anything to do with the Government of India....."

"I felt that there was no use in a round table conference because of the unyielding attitude which Gandhi took up when we met." "*The witness added that he reported to that effect to the Government of India.*"

"Sir Sankaran Nair went on to say that after those events he was asked to write a pamphlet dealing with Gandhi's policy" ?

(*c*) Are the Government aware that the above excerpt refers to Sir Sankaran's statement on oath ?

(*d*) Do the Government still persist in saying that Sir Sankaran Nair met Mahatma Gandhi at the Round Table Conference not at their instance ? that he did not report to the Government of India as he says he did according to the passage italicized above ? that the pamphlet "Gandhi and Anarchy" was not written at their suggestion ?

Mr. H. Tonkinson : (*a*), (*b*) and (*c*). Government have not examined all the evidence but are not aware that the passage quoted in the Honourable Member's question occurs in it and relates to Sir Sankaran Nair's evidence on oath.

(*d*) There is nothing in the passage quoted which is at variance with the statement made by the Honourable the Home Member in this House on the 8th September. He did not say that Sir Sankaran Nair did not meet Mr. Gandhi and Sir Sankaran Nair is not reported to have said that he either met Mr. Gandhi or wrote his book at the request of the Government of India. Government adhere to everything which they have said previously on this subject.

Purchase of Railway and other Stores through the Indian Stores Department.

2322. ***Mr. W. S. J. Willson :** With reference to the statement of Sir Charles Innes in this Assembly on 2nd March 1922 to the effect that

"If this Indian Stores Department is established, it will purchase for the State Railways all railway materials which can be procured in India..... Then the Stores Department would be mainly occupied in buying railway materials not only for State Railways but for Company Railways also."

(*a*) Is it the case that purchases for railways are being made by the railways in direct communication with the London Stores Department independently of the Indian Stores Department ?

(*b*) Will Government be pleased to state their policy in the matter of the utilisation of the Indian Stores Department by State-worked railways, Company managed State-owned lines, the Post and Telegraph Department and the Military Department ?

The Honourable Mr. A. C. Chatterjee : (*a*) Although the State-worked Railways indent direct on the London Stores Department for such stores as they consider must be obtained from outside India under the

new Stores Rules, copies of all such indents are sent by those Railway administrations to the Indian Stores Department, which advises the railway concerned if any articles included in such indents are manufactured and can suitably be purchased in India.

Company-worked Railways make their own arrangements for the purchase of stores either direct in India or through their Boards of Directors in England.

(*b*) I would invite the Honourable Member's attention to the recent letter dated the 18th August 1924, addressed to the State-worked Railways and to the East Indian and Great Indian Peninsula Railways, copies of which were laid on the table on the 17th September 1924 in answer to Mr. Neogy's starred question No. 2135. Other Company-worked Railways have been furnished with a copy of the letter addressed to the East Indian Railway and Great Indian Peninsula Railways, and the Railway Board propose to discuss the matter next month with the Agents of all railways.

The Indian Stores Department has already been entrusted with large purchases of textiles and also engineering plant and materials required by the Army. The Department has also taken over the purchase of various classes of stores used by the Post and Telegraph Department. The question of utilising the Stores Department to a greater extent in connection with the purchase and inspection of stores on behalf of these departments is under the consideration of Government.

REFUSAL OF PASSPORTS TO BABU SHIVA PRASAD GUPTA AND MAULANA ABUL KALAM AZAD.

2323. ***Mr. Gaya Prasad Singh:** (*a*) Will the Government be pleased to state if any correspondence has passed between them and the Government of the United Provinces on the subject of the refusal of passports to Babu Shiva Prasad Gupta, who wanted to take his wife to Europe on medical grounds ?

(*b*) If so, will the Government be pleased to lay a copy on the table ?

(*c*) Will the Government be pleased to state if any correspondence has passed between them and the Government of Bengal, on the subject of the refusal of passports to Maulana Abul Kalam Azad, who wanted to go to Europe on medical advice ?

(*d*) If so, will the Government be pleased to lay a copy on the table ?

The Honourable Sir Alexander Muddiman : There has been some correspondence between the Local Governments concerned and the Government of India regarding the refusal of passports to the two persons named. Government are not prepared to lay copies on the table.

BUS SERVICE FOR THE CONVEYANCE OF CLERKS FROM RAISINA TO THE SECRETARIAT IN DELHI.

2324. ***Mr. Kumar Sankar Ray :** (*a*) Will the Government be pleased to state what and with which transport company has the arrangement been made this year for the conveyance of clerks between Raisina and the Delhi Secretariat ?

(*b*) What amount has been spent on this account for each of the last three years and are the Government making sure by inviting tenders, etc., that this is the cheapest arrangement that could be made ?

(*c*) How long will this arrangement continue and when will the new Secretariat building be ready for occupation ?

(*d*) Is it a fact that clerks have to wait for about an hour and sometimes for hours, specially on holidays and Saturdays, at the Secretariat bus stand or at Sadar Bazar, before they can get a bus and whether it is due to the fact that the busses do not start at fixed hours till they are full ?

(*e*) Do the Government contemplate instructing the transport company to fix exact hours for starting the busses even if they are not full and directing them to run extra busses as soon as they are full, so that there may be no unnecessary waste of time ?

The Honourable Mr. A. C. Chatterjee : Information is being collected and the Honourable Member will be furnished with a reply as soon as possible.

STATIONS BETWEEN LAHORE AND JHELUM ON THE NORTH WESTERN RAILWAY WITHOUT RAISED PLATFORMS.

2325. ***Mr. Kumar Sankar Ray :** (*a*) Will the Government please state the names of railway stations between Lahore and Jhelum on the N. W. R. which have no raised platforms ?

(*b*) Do the Government realise the difficulty of the passengers, specially children and females, on the railway stations without raised platforms ?

(*c*) What would be the estimated cost of raising the platforms on these railway stations ?

(*d*) When do the Government propose to have platforms raised on these stations ?

Mr. A. A. L. Parsons : (*a*) The following stations between Lahore and Jhelum on the North Western Railway have no raised platforms :

1. Kala Shah Kaku.
2. Sadhoke.
3. Eminabad.
4. Rahwali.
5. Dhaunkal.
6. Haripur Bund.
7. Kathala.
8. Deona Juliani.
9. Chak Pirana.
10. Sarai Alamgir.

(*b*) Yes.

(*c*) About Rs. 10,000 for each.

(*d*) The policy of Government is to leave it to the discretion of the railway administration to provide high level platforms where their provision is justified by the traffic offering.

WORKING HOURS OF THE GOVERNMENT OF INDIA SECRETARIAT CLERKS.

2326. ***Mr. Kumar Sankar Ray :** (*a*) Will the Government please state what is the usual time up to which Secretariat clerks, etc., usually work in the office and is it a fact that in some Departments it is a regular practice to sit late ?

(*b*) Will the Government prepare a list of such late sitting officials employed in the Legislative, Finance, and Home Departments and their attached offices at the headquarters ?

(*c*) Do the Government contemplate laying down the rule that the appointment of Superintendents should generally be made by selection according to fitness for work and qualifications and not by seniority ?

Mr. H. Tonkinson : (*a*) The closing hour in the Government of India offices is 4-30 or 5 P.M. Saturday is a half holiday. Members of the office staff need not stay in office later than the closing hour except on occasions when owing to heavy work they find it necessary to put in extra hours.

(*b*) I do not know what the Honourable Member means by late sitting officials or how such a list could be prepared.

(*c*) The criterion usually followed in filling posts of Superintendents is efficiency combined with seniority of the persons concerned. Government do not propose to depart from this practice.

PENSIONS OF SECRETARIAT AND ARMY HEADQUARTERS DAFTARIES.

2327. ***Mr. Kumar Sankar Ray :** (*a*) Is it a fact that it has been admitted by all concerned (including the heads of the Army and Finance Departments) that the nature of clerical work in the Army Headquarters and Secretariat is quite similar and that for the same reason Secretariat rates of pay have been more than once recommended for the Army Headquarters clerical establishments ?

(*b*) Has it been admitted that the duties of the daftaries in the Secretariat are not more arduous or of a kind requiring a higher standard of intelligence than those of A. H. Q. daftaries and that the latter are and have always been in receipt of the same rates of pay as the former ?

(*c*) Has it been accepted as a principle that the maximum pension for two *similar* classes of Government servants, employed at the same station, recruited from the same class of people, performing similar duties, and getting the *same* rates of pay, should be equal ? If not, what are the objections and exceptions ?

(*d*) Is it a fact that the present maximum pension of A. H. Q. daftaries is Rs. 10 only while that of Secretariat daftaries is Rs. 20 and that their rates of pay are equal ?

(*e*) Are the Government prepared to consider the question of the differential treatment ? If not, why ?

(*f*) Are the Government aware that there is a good deal of dissatisfaction among the A. H. Q. daftaries owing to this differentiation ?

(*g*) Do the Government propose to appoint a Committee of officers to inquire into the matter and submit a report to remove the grievance of the men concerned ?

Mr. E. Burdon : (*a*) No.

(*b*) Yes.

(*c*) Speaking generally the correctness of the principle stated by the Honourable Member is accepted.

(*d*) Yes.

(*e*) The Government do not regard it as unjust since the Secretariat appointments are regarded as having a higher status and more favourable conditions are for this reason attached to them.

(*f*) No.

(*g*) No.

SUPERSESSION OF SENIOR I. M. S. INDIAN OFFICERS FOR ADMINISTRATIVE APPOINTMENTS.

2328. ***Dr. K. G. Lohokare** : (*a*) Is it a fact that the claims of a senior Indian Medical Service Indian officer are being superseded in selection to administrative appointments vacancies ?

(*b*) What are the principles guiding such selection ? Are they carefully followed in each case or in the case of Indian officers only ?

(*c*) Will Government please say if they give careful consideration to supersession cases especially in the case of Indian officers when they are to be superseded so as to leave no impression of unfairness ?

Mr. E. Burdon : (*a*) Yes.

(*b*) Appointments are given by seniority and merit and the same tests are applied in every case. In the instance which I had in mind in replying to part (*a*) of this question, the officer appointed was junior not only to one Indian officer but to several British officers also.

(*c*) Every case is considered with the same degree of care.

Dr. K. G. Lohokare : Is it a fact that several officers junior to this Indian officer have already been promoted ?

Mr. E. Burdon : I cannot say offhand. If the Honourable Member will put the question down I will have the matter examined and answer him.

GRANT OF SUBSISTENCE ALLOWANCE TO MR. GIRDHARI LAL, SUB-RECORD CLERK, RAILWAY MAIL SERVICE, JULLUNDUR CITY.

2329. ***Lala Duni Chand** : With reference to the reply of the Government to unstarred question No. 257, put by Mr. Sadiq Hussain on 27th May 1924, will Government please state if the question of granting subsistence allowance to Mr. Girdhari Lal, Sub-Record Clerk, Railway Mail Service, Jullundhur City, has been decided by the Director General, Posts and Telegraphs, and if not, do Government propose to expedite the decision ?

Mr. H. A. Sams : Yes. Orders were issued by me on the 10th current.

DELAY IN THE HOLDING OF ELECTIONS IN THE PUNJAB CANTONMENTS.

2330. ***Lala Duni Chand** : (*a*) Are the Government aware that elections in the Punjab Cantonments have not yet been held under the New Cantonment Act, 1924 ?

(*b*) Is it a fact that at the time of the coming into force of the Act on 1st May 1924, the Government of India issued a circular to the Provincial Governments requesting them to arrange elections within three months of the coming into force of the Act ?

(c) Are the Government aware that a deputation of the Punjab Cantonments waited upon His Excellency Sir Malcolm Hailey, Governor of the Punjab, on 30th June 1924 in connection with the speedy holding of elections in the Punjab and that His Excellency assured the deputation that every possible effort would be made to expedite the elections ?

(d) Is it a fact that in spite of this assurance nothing has been done so far by the Punjab Government in this matter and even the Election Rules have not yet been finally adopted ?

(e) Has the All-India Cantonments Association brought the above facts to the notice of the Secretary, Army Department, Government of India and requested him to urge upon the Punjab Government the great desirability of holding immediate elections ?

(f) Are the Government aware that in almost all the provinces elections have already been held and this fact has also accentuated the feeling of disappointment in the Punjab Cantonments at the present abnormal delay in the elections ?

(g) Do Government propose to take such steps as may ensure the holding of elections in the Punjab Cantonments with the least possible delay ?

Mr. E. Burdon: (a), (d), (f) and (g). I invite the Honourable Member's attention to the replies given on the 18th September 1924 to Haji Wajihuddin's starred questions Nos. 2199 and 2200.

(b) No. The attention of the Honourable Member is invited to the concluding portion of the reply given on the 9th June 1924 to Haji S. A. K. Jeelani's starred question No. 1411.

(c) The Government of India have been informed to this effect by the All-India Cantonments Association.

(e) Yes.

PILGRIMS TO THE HEDJAZ.

2331. ***Khan Bahadur W. M. Hussanally**: (a) How many pilgrims proceeded to the Hedjaz from British Ports in India during the last pilgrim season ?

(b) How many of them purchased return tickets ?

(c) How many of these died in the Hedjaz or how many return tickets were not availed of ?

(d) What was the total value of the return tickets not used ?

(e) Who is in possession of this money ?

(f) If in possession of the shipping companies, do Government purpose to acquire the same from them ?

(g) If so, to what use do Government purpose to put the money ?

N.B.—If any of the information, etc., etc., is not available will Government be pleased to obtain the same and lay it on the table.

Mr. J. W. Bhore: The Honourable Member is presumably referring to the pilgrim season of 1923 and the figures which I am giving are for that year. Figures for 1924 are not yet available since the return season is not yet over.

(a) 24,268.

(b) 694.

(*c*) Out of the 694 return-ticket holders 670 are reported to have returned from the Hedjaz. Of the remaining 24, 4 have been paid the refund value of the return halves of their tickets leaving 20 so far unaccounted for. No definite information can be given about these 20 pilgrims until two years have elapsed from the date of the issue of the tickets as the tickets are available for this period.

(*d*) and (*e*). The total value of the unused tickets is not known. The amount is presumably still in the possession of the Shipping Companies concerned.

(*f*) and (*g*). The Government of India do not propose to take any action for the present, but if after the expiry of the two years for which the tickets are valid, any portion of the money remains unclaimed, the suggestion made by the Select Committee on the Indian Merchant Shipping (Amendment) Bill that such money should be devoted to the welfare of pilgrims, will be considered.

Mr. W. S. J. Willson: May I ask the Honourable Member if my information that no return tickets were issued this season is incorrect?

Mr. J. W. Bhore: I am afraid, Sir, I shall have to ask for notice of that question.

NAMES, DESIGNATIONS AND PAY OF GOVERNMENT OFFICERS RESIDING AT "LONGWOOD".

2332. ***Khan Bahadur W. M. Hussanally:** Will the Government please state the names, designations and pay of Government officers residing at "Longwood" together with the rent each pays?

The Honourable Mr. A. C. Chatterjee: Government do not consider it necessary to lay a statement, which would be rather lengthy, on the table, but I shall be prepared to show the Honourable Member the list, giving the information he requires, if he will call at my office.

QUARTERS AT "LONGWOOD" IN THE OCCUPATION OF GOVERNMENT OFFICERS.

2333. ***Khan Bahadur W. M. Hussanally:** (*a*) Will Government please state how many officers had to vacate their rooms or quarters at "Longwood" in the May-June and September sessions this year, to make room for Members of the Legislature?

(*b*) Were these officers occupying the main building, the annexe, the New Block—Range or Cottages?

The Honourable Mr. A. C. Chatterjee: May—June Session 1924:

4 officers, namely, one living in cottages, and

3 in the New Block.

September Session 1924:

4 officers, namely, one living in cottages, two in the New Block and one in the annexe.

CRAIG DHU, SIMLA.

2334. ***Khan Bahadur W. M. Hussanally:** (*a*) Is Craig Dhu a Government building or a private concern?

(*b*) If the former, is it also intended for Government officers exclusively?

The Honourable Mr. A. C. Chatterjee : (*a*) Government property.
(*b*) Yes.

NET PERCENTAGE REALIZED DURING THE LAST THREE YEARS ON THE CAPITAL INVESTED IN "LONGWOOD".

2335. ***Khan Bahadur W. M. Hussanally :** (*a*) What was the gross rental realized each year during the last 3 years from "Longwood" ?

(*b*) What was the total cost of maintenance each year during the same period including repairs, taxes and all other expenditure ?

(*c*) What was the nett percentage realized on the capital invested ?

The Honourable Mr. A. C. Chatterjee : A statement giving the information is laid on the table.

Year.	Rent realized.	Total cost of maintenance.	Nett percentage realized.
	Rs.	Rs.	
1921-22	15,763	16,361	—0·09
1922-23	25,480	21,820	+0·5
1923-24	30,563	28,791	+0·26

HINDU, MUHAMMADAN, ANGLO-INDIAN, EUROPEAN AND PARSI OFFICERS IN THE POSTS AND TELEGRAPHS DEPARTMENT DRAWING RS. 300 AND OVER.

2336. ***Khan Bahadur W. M. Hussanally :** (1) What is the total number of officers (*a*) in the Postal Department, (*b*) in the Telegraph Department in India, drawing a salary of Rs. 300 and above per mensem ?

(2) How many of them are Hindus, Muhammadans, Anglo-Indians, Europeans, Parsis and others ?

The Honourable Mr. A. C. Chatterjee : (1) (*a*) .. 295
(*b*) 571
866

(2) Hindus 249
Muhammadans 46
Anglo-Indians 451
Europeans 89
Parsis 11
Others 20
866

HINDU, MUHAMMADAN, ANGLO-INDIAN, EUROPEAN AND PARSI SUPERINTENDENTS OF POST OFFICES.

2337. *Khan Bahadur W. M. Hussanally : (*a*) How many Superintendents of Post Offices (including R. M. S.) are there in India ?

(*b*) How many of them are Hindus, Muhammadans, Anglo-Indians, Europeans, Parsis and others ?

The Honourable Mr. A. C. Chatterjee : (*a*) .. 180

(*b*) Hindus 78

Muhammadans 32

Anglo-Indians 49

Europeans 3

Parsis 5

Others (Burmans, Sikhs, etc.) 13

FLOODS IN SOUTHERN INDIA.

2338. *Mr. A. Rangaswami Iyengar : Will the Government be pleased to state :

(*i*) whether they have received any and, if so, what reports from the Madras Government of the damage and distress caused by the recent flood disaster in the Madras Presidency and if so, whether they will lay the same on the table of this House ?

(*ii*) whether they have received any particulars, detailed or approximate, of the actual extent of damage to roads, buildings, irrigation sources, cultivated and cultivable lands, private dwelling and huts and other property or resources public or private, caused thereby ?

(*iii*) whether they have received any application from the Madras Government for special grants to meet the expenditure needed for reconstruction and relief work that has to be undertaken in the districts affected and if so, what action the Government propose to take thereon ?

(*iv*) whether the Government will be prepared to afford facilities to the House on any official day with the permission of the Honourable the President of the Assembly, to convey its recommendations to the Governor General in Council in this behalf ?

Mr. J. W. Bhore : (*i*) and (*ii*). The attention of the Honourable Member is drawn to the reply given to part I of Haji S. A. K. Jeelani's question No. 1977 on the same subject.

(*iii*) The Madras Government have applied for a loan and the Government of India are prepared to grant it but not on the terms requested by the former. The whole matter is still under consideration.

(*iv*) I regret that no special facilities for discussion of the subject can be given.

DATE OF COMMENCEMENT OF THE WINTER SESSION OF THE ASSEMBLY IN 1925.

Mr. Jamnadas M. Mehta : I have given private notice of a question to the Honourable the Home Member.

Mr. President : I have received no notice from the Honourable Member that he wished to ask a question. If he will ask the question now I will see whether it is in order.

Mr. Jamnadas M. Mehta : Before asking the question Sir, I may be permitted to say that the question is being asked simply for the preservation of the rights of the Assembly and not out of any want of respect for or confidence in you. If I may be permitted to say so, Sir, I am one of those who believe that the Chair seems to be eminently fitted for you and you, Sir, for the Chair.

The question is :

Will Government be pleased to make a statement as to the time when the winter session of the Assembly for 1925 will begin ? Are Government aware that unless that session is commenced some time later than the 5th February 1925, the Assembly's right to elect its President will have been taken away for at least one session ?

Mr. President : The Honourable Member is perhaps not aware that this question was sent in and was disallowed on the ground that it solely concerned the Governor General.

I have invited Government, however, to say whether they would be in a position to make a statement both regarding the end of this session and the beginning of the next. The decision rests entirely with the discretion of His Excellency the Governor General.

UNSTARRED QUESTIONS AND ANSWERS.

SCHEME FOR THE CENTRALISATION OF THE EAST INDIAN RAILWAY.

419. **Kumar Ganganand Sinha :** (*a*) Is it a fact that Mr. H. A. M. Hannay, had presented a scheme in connection with E. I. Railway expenditure ? If so, will the Government be pleased to lay a copy of the scheme on table ?

(*b*) Was it rejected by the Railway Board ?

(*c*) Is it a fact that the Railway Board has submitted a scheme for the centralisation of the Railway to the Secretary of State for India ? If so, will the Government be pleased to state (*i*) the nature of the scheme, (*ii*) whether or not any reply has been received from the Secretary of State for India and (*iii*) when the public is likely to be informed of the details of the scheme and (*iv*) if a new scheme of the Railway Administration is to be experimented, whether or not that scheme will be introduced after taking the consent of the Indian Legislature ?

Mr. C. D. M. Hindley : The Honourable Member is referred to the answer already given to his question No. 1659 during this session.

REDUCTION OF FARES ON THE EAST INDIAN RAILWAY.

420. **Kumar Ganganand Sinha :** Is it a fact that by way of reduction of railway fares on the E. I. Railway only the fares of first class to intermediate class have been reduced and nothing was done to reduce the third class fare ? If so, will the Government be pleased to say why ?

Mr. C. D. M. Hindley : The answer to the first part of the question is in the affirmative. Government have no doubt that the possibility of reducing third class fares was also considered by the Agent.

RUNNING OF A THROUGH AND FAST TRAIN FROM HOWRAH TO BENARES CANTONMENT *via* THE LOOP LINE ON THE EAST INDIAN RAILWAY.

421. **Kumar Ganganand Sinha :** (*a*) Are not the Government aware of the fact that the people (specially the passengers from the Loop District to Patna, the headquarters of the Province of Bihar and Orissa) are put to great inconvenience on account of the absence of a through and fast train from Howrah *via* the Loop up to Benares Cantonment ?

(*b*) Are Government not aware of the fact that both the Governors of Bihar (Their Excellencies Lord Sinha and Sir Henry Wheeler) gave assurances to the public that such a train would shortly run ?

(*c*) If the answers to parts (*a*) and (*b*) are in the affirmative, will the Government be pleased to say whether or not such a train will be started ? If so, when ? If the answers are in the negative, will the Government be pleased to state what steps they propose to take to remove the inconvenience of the public ?

(*d*) Is it a fact that the proposal of a fast train was abandoned because the line was not found in order ? If so, will the Government be pleased to state what steps are being taken to improve the Loop line ?

Mr. C. D. M. Hindley : (*a*) Government are not aware that inconvenience is caused by the fact mentioned. A census of passengers travelling by this line was recently taken and it showed that the existing train service was poorly patronised.

(*b*) Government have no information to this effect.

(*c*) Government understand that the volume of traffic offering does not warrant the running of a through fast train over this line, and in the circumstances Government do not propose to take any action.

(*d*) As stated in the reply to (*c*) the absence of a through fast train over this line is due to the want of sufficient traffic to justify its provision.

IMPROVEMENTS ON THE LOOP LINE OF THE EAST INDIAN RAILWAY.

422 **Kumar Ganganand Sinha :** Will the Government be pleased to state what improvements have been made in the Loop line of the E. I. Railway, since its establishment in 1858 ?

Mr. C. D. M. Hindley : It is not possible within the usual scope of a reply to a question of this kind to give any satisfactory or comprehensive idea of the improvements that have been effected in the Loop line of the East Indian Railway over a period extending to about 65 years.

LACK OF INTERMEDIATE CLASS WAITING ACCOMMODATION ON THE EAST INDIAN RAILWAY.

423. **Kumar Ganganand Sinha :** (*a*) Is it a fact that there is no intermediate class waiting shed even on the principal stations of the E. I. Railway ?

(*b*) Are not the Government aware of the fact that the absence of such sheds causes great hardship to the middle class men who generally travel with their families in the intermediate class ?

Mr. C. D. M. Hindley : (*a*) Government understand that intermediate class waiting accommodation is provided at certain stations on the East Indian Railway.

(*b*) Government are not aware of passengers being put to such inconvenience, but a copy of this question and answer will be forwarded to the Agent.

ISSUE OF RETURN WEEK-END TICKETS ON THE EAST INDIAN RAILWAY.

424. **Kumar Ganganand Sinha :** (*a*) Is it a fact that week-end tickets are issued only from Howrah to certain stations on the E. I. Railway and no such tickets are issued from those places to Howrah ?

(*b*) If so, will the Government be pleased to say why ?

(*c*) Is there any possibility of the issuing of week-end tickets to Howrah from those places to which tickets are available from Howrah ?

Mr. C. D. M. Hindley : (*a*) Government understand that this is so.

(*b*) and (*c*). Government have no information. The object of such concessions of course is to attract traffic and that is probably the reason why the week-end tickets are issued only from Howrah. But a copy of the question and answer will be sent to the Agent.

INCOME FOR THE LAST THREE YEARS FROM GOODS TRAFFIC (EXCLUDING COAL) ON THE EAST INDIAN RAILWAY.

425. **Kumar Ganganand Sinha :** Will the Government be pleased to state the income from goods (excepting the income from the transport of coal) of each of the districts of the E. I. Railway for the last 3 years ?

Mr. C. D. M. Hindley : The earnings from goods traffic excluding coal, of the East Indian Railway system during the years 1921-22, 1922-23 and 1923-24 were Rs. 4,60,42,000, 5,42,65,000 and 5,56,91,000, respectively. Figures by separate districts are not readily available.

INDIANISATION OF VARIOUS CLASSES OF APPOINTMENTS ON THE EAST INDIAN RAILWAY.

426. **Kumar Ganganand Sinha :** Is it a fact that there is not a single Indian in the following services of the E. I. Railway :

(*a*) District Inspector. (*b*) Travelling Ticket Inspector. (*c*) Luggage Inspector. (*d*) Detention Inspector. (*e*) Intermediate Class Hall Supervisor. (*f*) Platform Assistant. (*g*) Loco. Foreman. (*h*) Loco. Inspector. (*i*) P. W. Inspector. (*j*) District Carriage and Wagon Inspector. (*k*) Block Signal Inspector. (*l*) Signal Inspector. (*m*) District Superintendent. (*n*) District Engineer. (*o*) District Loco. Superintendent. (*p*) District Carriage and Wagon Superintendent. (*q*) Station Masters drawing over Rs. 200. (*r*) Assistant Station Masters drawing over Rs. 100 (except Cabin-Assistant). (*s*) Guards drawing over Rs. 100 ? If so, will the Government be pleased to state what measures, if any, are being taken to Indianise the railway services mentioned above ?

Mr. C. D. M. Hindley : Government have not got up to date information but inquiry is being made.

MINIMUM PAY OF CLERKS ON THE EAST INDIAN RAILWAY.

427. **Kumar Ganganand Sinha** : (*a*) Is it a fact that in the E. I. Railway the minimum pay of the clerks is only Rs. 28 ?

(*b*) If so, how does it compare with the minimum pay of clerks in the various departments of the Government ?

(*c*) Is there any proposal for raising the minimum pay ? If not, why ?

Mr. C. D. M. Hindley : (*a*), (*b*) and (*c*). Government have not the information and cannot undertake to inquire or interfere in a matter of remuneration of the Company's clerical employees.

AMALGAMATION OF THE TRAFFIC TRANSPORTATION AND COMMERCIAL DEPARTMENTS OF THE EAST INDIAN RAILWAY.

428. **Kumar Ganganand Sinha** : Will the Government be pleased to state whether or not the Railway Board has ever considered the question of the amalgamation of the Traffic Transportation and Commercial Departments of the E. I. Railway ? If so, will they be pleased to state what results it has arrived at ? If not, will it state the reason for the same and also if there is any possibility of their considering the matter in the future ?

Mr. C. D. M. Hindley : The Honourable Member is referred to the answer already given to his starred question No. 1659 during this session.

RAILWAY COLLISIONS, ETC., DURING THE LAST TWELVE YEARS.

429. **Kumar Ganganand Sinha** : Will the Government be pleased to give the following figures year by year for the last 12 years :

(*a*) Number of collisions of trains.

(*b*) Number of derailments of trains.

(*c*) Number of averted collisions.

(*d*) Number of breaches of block rules.

(*e*) The amount paid as claims and damages,

and state what measures are being taken by the authorities to reduce each of them and if no measures have been taken, why ?

Mr. C. D. M. Hindley : The attention of the Honourable Member is drawn to Appendix C. of Vol. II of the Report by the Railway Board on Indian Railways for 1923-24 which will be issued shortly and to the corresponding Appendices in the Administration Reports for previous years. All the available information will be found there

CLAIMS PAID FOR GOODS LOST OR DAMAGED ON RAILWAYS.

430. **Kumar Ganganand Sinha** : Will the Government be pleased to give figures for the last 12 years of the amount paid as a claim for damages, loss, miscarriage of goods and state what steps are being taken by the authorities to reduce each of them and if no measures have been taken, why ?

Mr. C. D. M. Hindley : A statement giving the information asked for in the first part of the Honourable Member's question is laid on the table.

With regard to the second part of the question the Honourable Member is referred to the reply given in this Assembly on 3rd July 1923 to question No. 86.

Statement of claims paid for goods lost or damaged on class I Railways (in thousands of rupees).

Year.	Amount.	Year.	Amount.
	Rs.		Rs.
1912	21,67	1918-19	46,40
1913-14	26,07	1919-20	71,92
1914-15	23,21	1920-21	1,12,50
1915-16	14,51	1921-22	1,16,96
1916-17	18,15	1922-23	1,21,28
1917-18	23,25	1923-24	79,10

NUMBER OF PERMANENT EMPLOYEES RETRENCHED IN THE GOVERNMENT OF INDIA SECRETARIAT AND ATTACHED OFFICES.

431. **Mr. Abdul Haye**: (1) Will Government be pleased to state the number of such permanent hands in the Government of India and attached offices whose services have been dispensed with under the recommendations of the Inchcape Committee ?

(2) How many of such persons have been permanently provided for by Government elsewhere ?

(3) Is it a fact that in certain cases preference was not given to such men but outsiders were taken into service ?

(4) Will Government please state if they are prepared to provide at an early date for such men who have not been given any pension or gratuity and whose services have been terminated on account of the recommendations of the Inchcape Committee ?

The Honourable Sir Alexander Muddiman: (1) and (2). The Honourable Member is referred to the reply given to Lala Duni Chand's question on the same subject on the 19th September 1924.

(3) No, except in the case of the five men, belonging to the Finger Print Bureau(whom it has not been found possible to place in permanent posts owing to their lack of qualifications.

(4) The position has been explained above. But if the Honourable Member knows of any other cases and will give me the facts I will have them examined.

INDIAN MAIL AND PASSENGER ENGINE DRIVERS ON THE BENGAL AND NORTH WESTERN RAILWAY.

432. **Mr. C. S. Ranga Iyer**: Is it a fact that in the B. N. W. Ry. no Indian is allowed to drive mail trains or even passenger trains on main lines ?

Mr. C. D. M. Hindley: Government have no information and must necessarily leave discretion in such matters to the Company who are responsible for the safety and efficiency of their service.

SCALES OF PAY OF ANGLO-INDIAN AND INDIAN APPRENTICES, IN THE BENGAL NAGPUR RAILWAY WORKSHOPS.

433. **Mr. C. S. Ranga Iyer**: Is there a difference in the scale of pay in the B. N. Railway of Anglo-Indian and Indian apprentices in the workshops ?

Mr. C. D. M. Hindley: The reply is in the affirmative.

RACIAL DISCRIMINATION IN THE MATTER OF PAY OF ANGLO-INDIAN AND INDIAN APPRENTICES, ETC., ON THE BENGAL NAGPUR RAILWAY.

434. **Mr. C. S. Ranga Iyer**: (*a*) Is the following tabular statement indicating the racial differences correct ? If yes, will the Government take steps to put an end to them ?

Scale of pay for bound apprentice course in Railway workshops.

European or Anglo-Indian		Indian. A Grade.	Indian. B. Grade.
Rs.		Rs.	Rs.
33 per mensem ..	I Year ..	20 per mensem ..	11 per mensem.
40 „	II „ ..	22 „ ..	12 „
45 „	III „ ..	25 „ ..	14 „
52 „	IV „ ..	29 „ ..	17 „
65 „	V „ ..	33 „ ..	20 „
120 „	Initial rate of pay on completion of the apprentice course.	45 „ ..	Rs. 1 P. D.

(*b*) Are there similar differences in the scales of pay of the training examining staff ? Will the Government be pleased to state the yearly minimum salary for the Europeans of the training examining staff and also of the Indians ? Also the maximum ?

Mr. C. D. M. Hindley: The Honourable Member has not stated to which particular railway he refers. If, however, as in the case of his previous question, he refers to the Bengal Nagpur Railway, the answers to his questions are :

(*a*) Yes, in so far as it relates to European and Anglo-Indian and Indian 'A' grade apprentices. As regards 'B' grade apprentices no information is available.

Under the terms of the Company's contract Government have no power to interfere directly in matters of this nature in case of Company's staff, but the desirability of removing discrimination of this type has been impressed upon them and it is hoped it will be gradually eliminated.

(*b*) It is presumed the Honourable Member refers to train examining staff. If so, the rates of pay are :

	Rs.
Chief Train Examiners	350—400
Train Examiners, European and Anglo-Indian	160—300
Train Examiners, Indian (Special) ..	280

SCALES OF PAY OF EUROPEAN AND INDIAN LOCO. RUNNING STAFF ON THE BENGAL NAGPUR RAILWAY.

435. **Mr. C. S. Ranga Iyer**: (*a*) Are there differences in the scales of pay and the annual grade increases between the Europeans and the Indians in the Loco. running staff ? Do the Government propose to take immediate steps to remove them ?

(*b*) Were the grades of the European running staff revised thrice since November 1919 in B. N. Railway whereas the last revision was not extended to the Indian running staff ?

Mr. C. D. M. Hindley : (*a*) The Honourable Member's attention is invited to the answer given to question No. 1308 on the 6th June last in this House. The rules relating to pay, leave, etc., are being revised on State Railways with the object of removing racial discrimination, and when particular instances are brought to my notice, the matter is at once taken up. The same policy has been impressed on Company Railways and it is hoped that discrimination of this kind will gradually be eliminated.

(*b*) Government have no information about the particular points raised in the question but will inquire.

LEAVE RULES OF EUROPEAN AND INDIAN EMPLOYEES OF THE BENGAL NAGPUR RAILWAY.

436. **Mr. C. S. Ranga Iyer** : Is it a fact that the B. N. Railway leave rules clearly lay down that only urgent private affairs leave with pay for 1 month in a year cumulative up to 4 months and sick leave on ½ pay up to 2 months in a year for duly certified sickness can be granted to the Indians and that casual leave is denied to them whereas the European staff are allowed the following kinds of leave :

(1) Privilege leave at 1 month for 11 months' service. Cumulative up to 4 months.

(2) Sick leave on full pay up to 2 months in a year.

(3) Sick leave on ½ pay up to 2 months in a year.

(4) Casual leave up to 14 days in a year.

(5) Furlough up to 18 months on half pay or up to 4 months on full pay at a time after first 7 years' service to the extent of ¼ active service or both full and half pay or combined with privilege leave.

(6) Special leave on urgent private affairs on ½ pay up to an extent of 6 months.

Mr. C. D. M. Hindley : The Honourable Member is referred to the reply given to his previous question No. 435. The Government have not the information asked for in this question but will inquire.

PARTIALITY SHOWN TO ANGLO-INDIAN EMPLOYEES OF THE BENGAL NAGPUR RAILWAY IN CASES OF LEAVE PREPARATORY TO RETIREMENT.

437. **Mr. C. S. Ranga Iyer** : Is it a fact that a kind of partiality on racial grounds is also shewn to Indian and Anglo-Indian staff in cases of leave preparatory to retirement as illustrated below :

	Europeans.	Non-Europeans.
Between 21 and 25 years sevice.	Combined leave up to 12 months (leave on full pay to the extent due up to a limit of 4 months and the remaining on half pay).	Combined leave up to 9 months.
Over 26 years service	Combined leave up to 18 months.	Combined leave up to 12 months.

Mr. C. D. M. Hindley : The Honourable Member is referred to the reply given to his previous question No. 435.

GRANT OF SUNDAY AND HOLIDAY PAY TO THE WORKSHOP STAFF OF THE BENGAL NAGPUR RAILWAY.

438. **Mr. C. S. Ranga Iyer** : Is it a fact that on the B. N. Railway the workshop staff do not get pay even for public holidays and Sundays when the shops are compulsorily closed against them, but on almost all the important Railways in India there is a system whereby daily rated workshop employees do get pay for at least 15 holidays in a year ?

Mr. C. D. M. Hindley : The reply is in the affirmative. Companies have discretion to settle such matters in respect of their own staff, but the attention of the Agent will be drawn to the practice of other railways in this matter.

LEAVE ALLOWED TO DAILY RATED STAFF ON INDIAN RAILWAYS.

439. **Mr. C. S. Ranga Iyer** : Will the Government be pleased to state the particulars of leave with pay or holidays with pay to daily rated workshop staff on the Indian Railways ?

Mr. C. D. M. Hindley : According to the latest information available the leave allowed to daily rated staff was as below :

Madras Railway B. B. & C. I. Railway G. I. P. Railway O. & R. Railway	16 days
S. I. Railway	.. 22 days
B. N. Railway	.. no leave
N. W. Railway	.. 17 days
E. B. Railway	.. 20 days
E. I. Railway (Loco.)	.. 15 days to those in receipt of Rs. 20 and upwards and who are members of the Provident Fund.
E. I. Railway (C. & W.)	13 days.

RETRENCHMENT OF INDIANS IN THE LOCO. DEPARTMENT OF RAILWAYS.

440. **Mr. C. S. Ranga Iyer** : Will the Government be pleased to state the number of Indians in the Loco. Department who were brought under retrenchment ? How many years had they put in as service ? Is it a fact that many of them were not given gratuity ?

Mr. C. D. M. Hindley : Government have not the information but are making inquiry so far as State Lines are concerned.

RETRENCHMENTS ON CERTAIN SPECIFIED RAILWAYS.

441. **Mr. C. S. Ranga Iyer** : Will the Government be pleased to state the services of how many men have been dispensed with under retrenchment in (*a*) O. and R. Railway. (*b*) B. N. Railway. (*c*) S. I. Railway.

(*d*) M. and S. M. Railway. (*e*) E. I. Railway. (*f*) R. and K. Railway ?

Mr. C. D. M. Hindley : A statement is placed on the table showing the number of subordinate staff employed on these railways on the 1st April 1924 as compared with 1st November 1922 :

Statement showing the number of subordinate staff employed on certain railways on the 1st April 1924 as compared with the 1st November 1922.

	O. & R. Railway.		B. N. Railway.		S. I. Railway.		M. & S. M. Railway.		P. I. Railway.		R. & K. Railway.	
	1st Nov. 1922.	1st April 1924.	1st Nov. 1922.	1st April 1924.	1st Nov. 1922.	1st April 1924.	1st Nov. 1922.	1st April 1924.	1st Nov. 1922.	1st April 1924.	1st Nov. 1922.	1st April 1924.
(a) Subordinates drawing Rs. 250 p. m. and over or on scales of pay rising to Rs. 250 p. m. and over.												
Europeans ..	89	87	376	292	64	69	86	83	861	857	8	9
Anglo-Indians	97	108	363	314	155	146	124	161	618	675	11	9
Indians ..	70	86	105	133	69	69	30	32	190	197	3	5
Total ..	256	281	844	739	288	284	240	276	1,669	1,729	22	23
(b) Subordinates drawing less than Rs. 250 p. m. and on scales of pay not rising to Rs. 250 p. m.												
Europeans ..	109	98	162	264	46	*	65	82	446	439	2	2
Anglo-Indians	261	230	771	913	1,111	*	1,892	1,867	1,151	956	22	11
Indians ..	29,200	28,601	57,202	60,242	31,121	*	47,821	46,861	107,433	107,033	5,820	5,442
Total ..	29,570	28,929	58,135	61,419	32,278	*	49,778	48,810	109,030	108,428	5,844	5,455

*Information not at present available.

PASSENGER SUPERINTENDENTS ON RAILWAYS.

442. **Seth Govind Das** : Will the Government be pleased to state how many passenger Superintendents have been employed on different Railways and to what extent has the over-crowding of the third class passengers been reduced and their comfort been increased through their efforts ?

Mr. C. D. M. Hindley : The Honourable Member is referred to the answer given to items (*b*) and (*c*) of question No. 1651 asked by Mr. Jamnadas M. Mehta in this Assembly of the 8th September 1924.

PROVISION OF WAITING ROOMS FOR THIRD CLASS LADY PASSENGERS AT RAILWAY STATIONS.

443. **Seth Govind Das** : Has the attention of the Government been drawn to the great inconvenience felt by third class lady passengers at railway stations for want of separate waiting-rooms for them and if so whether they will arrange to provide separate waiting-rooms for third class lady passengers at all principal stations ?

Mr. C. D. M. Hindley : Government understand that separate accommodation in waiting sheds for third class lady passengers is provided where necessary. In this connection the Honourable Member is referred to the reply given in this Assembly, on 12th February 1923 to question No. 340.

PROVISION OF INDIAN DINING CARS ON RAILWAY.

444. **Seth Govind Das** : Has the attention of the Government been drawn to the experiment undertaken by the G. I. P. Railway, in running

a dining car for Indian passengers of all classes from Bombay to Delhi and back on express trains ? If so, are the Government prepared to undertake to run Indian dining cars on other Railways also ?

Mr. C. D. M. Hindley : Government are aware that the Great Indian Peninsula Railway have provided refreshment compartments for Indian passengers on certain trains.

With regard to the second part of the question the Honourable Member is referred to the reply given in this Assembly to his question No. 268 on 27th May, 1924.

VALUE OF STORES PURCHASED BY RAILWAYS DURING THE LAST FIVE YEARS.

445. **Seth Govind Das** : Will the Government be pleased to state the money value and nature of Railway materials purchased :

(*a*) In India,

(*b*) In England,

and

(*c*) In other countries during the last five years ?

Mr. C. D. M. Hindley : The Honourable Member is referred to the Appendices in the Administration Reports on Indian Railways for the last five years, the last of which is in press and will be issued shortly. He will find in the Appendix, headed " Value of Stores Purchased by the Principal Railways during the year ", information almost identical with what he requires.

It is regretted that Government are not in possession of information to enable the figures for (*b*) and (*c*) to be shown separately, and the preparation of such statistics would involve the expenditure of more time and labour than can be justified.

PURCHASE OF RAILWAY MATERIALS IN INDIA.

446. **Seth Govind Das** : Will the Government be pleased to state what steps have been taken to secure more and more railway materials in India from Indian manufacturers ?

Mr. C. D. M. Hindley : The new rules for the supply of articles for the public service have been drawn up with the intention of encouraging the purchase of locally manufactured articles, compatible with considerations of price and quality. Copies of these rules were forwarded in May last to the Agents of the principal railways, impressing on them the importance of adhering to the policy laid down in the rules, and the Railway Board have no doubt that the policy will be given full effect to on those railways.

Copies of all English indents, prepared by State-worked railways, are scrutinized by the Indian Stores Department, who advise the railways concerned regarding any articles included therein which are manufactured in India and can suitably be purchased locally.

ENCOURAGEMENT OF INDIGENOUS INDUSTRIES BY THE OFFER OF PREFERENTIAL RATES ON RAILWAYS.

447. **Seth Govind Das** : Will the Government be pleased to state what steps have been taken by the Government to encourage indigenous

industries in India by offering them preferential freight rates on Indian railways ?

Mr. C. D. M. Hindley : Special low rates, which the Honourable Member will find in the published tariffs of railways, are quoted for the raw materials and finished products of various Indian industries on different railways. The Railway Board have already impressed upon Railway Administrations the desirability of fostering local industries by the quotation of favourable rates for the carriage of raw materials required in manufacture, and of the finished product.

OPENING OF THE NAGPUR-KAZIPET RAILWAY.

448. **Seth Govind Das** : Will the Government be pleased to state, now that the Itarsi-Nagpur line is open to traffic, when the Nagpur-Kazipet line will be open to traffic, providing a through communication from Delhi to Madras *via* Nagpur and Kazipet ?

Mr. C. D. M. Hindley : There is a slight inaccuracy in the Honourable Member's question as the Itarsi-Nagpur line is not yet opened throughout ; the last portion between Narkher and Amla will, however, be opened next month.

As regards the Nagpur-Kazipet line, the portion between Nagpur and Belharshah has been open for many years. The remainder of the line from Belharshah to Kazipet lies within an Indian State and its construction by that State has been sanctioned. It is understood that no work has yet been started between Belharshah and Goliara which is situated just south of the Godawari River : this length is about 85 miles. Of the remaining length, namely, 65 miles approximately, between Goliara and Kazipet, the southern portion from Ramgundum to Kazipet, 58 miles, has been already opened, and the remaining 7 miles between Goliara and Ramgundum is expected to be opened next month. Government are unable to say at present when the whole line from Belharshah to Kazipet will be opened throughout.

PROPOSED RAIPUR-WALTAIR RAILWAY.

449. **Seth Govind Das** : Will the Government be pleased to state whether the construction of the proposed Raipur-Waltair line connecting the eastern part of the Central Provinces with a nearer harbour, has begun ? If not, what steps have been taken in this matter ?

Mr. C. D. M. Hindley : The Honourable Member is evidently alluding to the Raipur-Vizianagram project, the position with regard to which is as follows:

(*a*) Work was commenced in 1906 on the first section, Vizianagram to Parvatipur, 48.70 miles long, and this section was opened for public traffic in April 1909.

(*b*) Work on the further section from Parvatipur to Singapur Road (37 miles) was commenced in 1911, but had to be closed down for lack of funds.

(*c*) The question of proceeding with the rest of the project (Parvatipur to Raipur) has recently been revived, and is now engaging the attention of Government.

STRATEGIC RAILWAY FROM PESHAWAR TO THE AFGHAN FRONTIER.

450. **Seth Govind Das** : Will the Government be pleased to state whether the proposed strategic railway from Peshawar to the Afghan frontier has been completed ? If so, what has been

(*a*) its total cost, and

(*b*) the cost per mile.

Mr. C. D. M. Hindley : The answer to the first part of the question is in the negative. It is anticipated that the line will be opened about 12 months hence. The latest figures of probable cost which have just been received and are under examination show that the total cost is likely to amount to about Rs. 253 lakhs or Rs. 9,12,000 per mile.

RAILWAY CONNECTION BETWEEN INDIA AND BURMA.

451. **Seth Govind Das** : Will the Government be pleased to state what steps have been taken by them to connect India and Burma by rail ?

Mr. C. D. M. Hindley : Two alternative routes for a railway connection between India and Burma have been surveyed, namely, one from Chittagong *via* Akyab to Minhla and the other from Ledo to Sahmaw. As neither of these routes has been found, on an examination of the survey results, to be remunerative, the project for linking India with Burma by rail has been held in abeyance.

INDIANISATION OF THE SUPERIOR SERVICES ON STATE-MANAGED RAILWAYS AND IN THE POSTS AND TELEGRAPHS DEPARTMENT.

452. **Seth Govind Das** : Will the Government be pleased to state what steps have been taken by them to Indianise the superior services in—

(*a*) The State managed Railways, particularly in the Traffic and Engineering departments.

(*b*) In the Postal and Telegraph departments during the last two years ?

Mr. C. D. M. Hindley : (*a*) The Honourable Member is referred to the reply given to Mr. Hussanally to a similar question on the 4th June last. Government have no later figures than those given. A comprehensive scheme for recruiting and training Indians in all branches of railway service is now under consideration.

(*b*) So far as the superior Postal Service and the superior Traffic Branch of the Telegraph Department are concerned, all appointments with the exception of five appointments of Postmasters-General reserved for the I. C. S., have for many years been filled by the promotion of senior qualified officers in the lower grades of the Department. In the ordinary course therefore, Indians are selected for these appointments and no special steps are considered necessary.

So far as the Telegraph Engineering and Wireless branches are concerned, it is already the policy of Government to recruit Indians for direct appointments in India, in accordance with the recommendations of the Islington Commission. The question of increasing the percentage of recruitment in India is now under consideration in connection with the Lee Commission's Report.

INDIAN DELEGATES TO THE LEAGUE OF NATIONS.

453. **Seth Govind Das** : Will the Government be pleased to state whether they propose to consult the Assembly while selecting Indian delegates to the League of Nations ?

Sir Henry Moncrieff Smith : The Honourable Member is referred to the reply given to question No. 1778 asked by Khan Bahadur Sarfaraz Hussain Khan, on the 11th September, 1924.

INDIAN OFFICERS IN THE ARTILLERY.

454. **Seth Govind Das** : Will the Government be pleased to state the number of Indian officers in the artillery divisions of the Indian Army, and if there are none, whether any early steps will be taken to recruit to train Indian officers for the artillery branch of the Indian Army ?

Mr. E. Burdon : The number of Indian officers with the Viceroy's commission serving with artillery units in India is 201. There are no Indian officers with the King's commission serving with such units.

CONVERSION OF THE ROYAL INDIAN MARINE INTO AN INDIAN NAVY.

455. **Seth Govind Das** : (*a*) Will the Government be pleased to state what the present effective strength of the Royal Indian Marine is, and whether any efforts have been made to Indianise that force by recruiting and training Indians as Deck or Executive officers in the Royal Indian Marine ?

(*b*) Will the Government be pleased to state whether any steps will be taken in the near future to convert the Royal Indian Marine into an Indian Navy as a purely combatant force, in view of the serious difficulties experienced by India during the early part of the late war ? If not, why not ?

Mr. E. Burdon : (*a*) Approximately the present strength of the Royal Indian Marine is as follows :

Commissioned Officers	145
Warrant Officers	34
Ratings	1265

As regards the latter part, the question of the measures to be adopted for the recruiting and training of Indians for the commissioned ranks of the Royal Indian Marine was examined by the Indian Mercantile Marine Committee whose report is at present under the consideration of the Government of India.

(*b*) Proposals for the reorganisation of the Royal Indian Marine on a combatant basis are, at present, under consideration.

NOMINATIONS FOR THE STANDING FINANCE COMMITTEE FOR RAILWAYS.

The Honourable Sir Charles Innes (Commerce Member) : With your permission, Sir, I beg to make the following motion :

"That this Assembly do proceed to the election in such manner as may be approved by the Honourable the President of a Standing Finance Committee of the Assembly for Railways not exceeding eleven in number to which should be added one Member of the Assembly to be nominated by the Governor General. The Member so nominated shall be the Chairman of the Committee."

The motion was adopted.

Mr. President : The office of the Assembly will be open to receive nominations up to twelve noon to-morrow and the election to this Committee will take place in the Chamber at the beginning of business on Wednesday, the 24th, by the usual method, namely, the single transferable vote.

RESOLUTION *RE* SUSPENSION OF THE TAXATION INQUIRY COMMITTEE AND SUBSTITUTION OF AN ECONOMIC INQUIRY COMMITTEE—*concld.*

Mr. President : The House will now resume debate upon the Resolution moved by Mr. K. Rama Aiyangar :

"This Assembly recommends to the Governor General in Council that he be pleased to suspend the Taxation Inquiry Committee and to appoint a Committee in its place for a close inquiry into the general conditions of economic life and labour in reference to the resources of the country and an estimate of the national income."

Since which an amendment has been moved to substitute the following for the original Resolution :

"This Assembly recommends to the Governor General in Council that he be pleased immediately to dissolve the present Taxation Inquiry Committee and instead thereof to institute a thorough inquiry into the economic condition of the various classes of the people of India, their income per head, their capacity to bear the existing burden of taxation, and the general resources of the country, through a representative Committee, at least two-thirds of which shall be elected by the Indian Legislative Assembly."

Since which a further amendment has been moved :

"After the words 'resources of the country' to insert the words 'and an investigation into the defects of the prevailing system of Land Revenue Assessment'."

The Honourable Mr. A. C. Chatterjee (Industries Member) : Sir, I followed the debate that took place on Thursday last on the amendments and the Resolution that are now before this House with very great interest, and if I may say so, with considerable perplexity. My interest was aroused because I found successive speakers referring to the economic condition in which the masses of the people of this country live in their villages and in the various urban areas and industrial centres. Sir, until seven or eight years ago it was my good fortune both by reason of my official duties and on account of my personal predilections to spend more than two hundred days in the year in the villages, trudging the ploughed fields, talking to the villagers in their homes or in the Dalan, in the Chawpal or by the village well. I had to mix not only with the agriculturists but with the landless labourers, with the handicraftsmen, with the village artisans. In this House I think I can safely say that no one who has mixed with these people can but have an abiding affection for our toiling masses. We cannot help rejoicing with them when a bounteous rainfall assures a plentiful harvest ; nor can we help sharing their pain and anxiety when the fields lie fallow under a scorching drought, or when plague or pestilence stalks through the land. Those who believe with me that political advancement is neither worth having nor will it be had without a corresponding economic progress of our masses cannot but welcome a serious discussion of the economic condition of the people by the representatives of the people in this House. But, I was perplexed by the trend of the debate that took place last Thursday because I found that it was developing into an acrimonious discussion as to whether the people were better off or worse off than

[Mr. A. C. Chatterjee.]

they were at some imaginary and undetermined date in the past. Sir, I do not wish to be misunderstood. I do not deprecate comparative studies. If I may confess my own personal tastes to this House, I may say that my greatest interest in any studies outside my work is in the study of the social and economic conditions of this country in previous centuries. Indeed, it used to be for a long time my ambition that I might participate in the labours of the scholars who are now working both in this country and abroad at studying the facts appertaining to this fascinating subject, the social and economic conditions of India in previous centuries, and I do hope, Sir, that this rising band of historians and economists who are working in this field will receive very large reinforcements from our students in the universities, and that they will receive all necessary encouragement from the universities and where possible from the State. I also hope, Sir, that these scholars will receive munificent endowments for their researches from territorial magnates like my friend over there, Mr. Goswami, or from commercial magnates like my friend, Sir Purshotamdas Thakurdas, both of whom have evinced such keen interest in this question. But, Sir, we are not dealing with the past at the present moment. Our concern is with the present. Although we might derive most valuable lessons from a study of the past, I would earnestly advise this House to leave the study of the past to historians and economists in the seclusion of their studies or in their research libraries. I wish this House not to treat itself as a historical society but as a national Parliament which has to consider the present condition of the masses and to concert measures for their improvement.

Sir, there are two questions before the House. The first question is whether the Taxation Inquiry Committee which has been initiated by Government should proceed with their labours. The second question is whether there should be a general inquiry into the economic condition of the agricultural and labouring classes in this country.

So far as I am concerned, I can find no conflict at all between these two proposals and therefore I could not understand why speaker after speaker felt it his duty to deprecate one inquiry if he wanted to encourage the other. I confess that I have the very greatest sympathy with the proposal for a general economic inquiry into the condition of our masses, but as I have said already, my own view is that this inquiry should be made not in order to find out whether the people are better off or worse off than they were in previous centuries or even 50 years ago but this inquiry should be with the object of finding out their present condition and in order to discuss methods for their improvement. Sir, nobody disputes the poverty of the great masses of our fellow-countrymen, their low standard of living, their poor physique, their lack of stamina, their retarded intelligence. But we have to study whether these conditions have been caused by social circumstances, by the climate, by all the other factors that constitute their environment. We have also to study to what extent these conditions can be improved by social efforts and to what extent and to what degree administrative action or legislative action is necessary. Sir, I am an optimist like my friends opposite, the members of the Swaraj Party. I do believe that these conditions can be remedied. In my own experience I have seen the inhabitants of our villages, some of them miserable specimens of humanity, escaping from

the most depressing environment of their own villages, from circumstances in which their physique was stunted, their intelligence was stunted, their mental freedom was stunted. They have escaped from these conditions into better environments and they have developed into citizens of whom any country might be proud. Sir, I believe that improvement is possible but I also realise the very great difficulties that lie ahead. I do believe, as I have said, in a serious, continuous and co-ordinated study of the condition of our fellow-citizens in the country; but I also realise that in order that this study might be of any value it has to be spread out over a large number of years. I do not believe that it can be concluded even in a few years as my Honourable friend, Sir Sivaswamy Aiyer, seemed to think. I also believe along with my Honourable friend, Mr. Calvert, that for the purposes of such an inquiry you need not only Government officials but you want a whole army of trained expert investigators. For an inquiry of this sort you will need to study not merely the village records, records which are kept with meticulous accuracy in some of our Provinces—for instance, in the Province with which I am most acquainted, the United Provinces; you will need to study the records of our growing co-operative societies, you will need to study all possible available records and you will want an army of investigators. As I have said it will take a long time. Those of us who have made any attempt to study the land revenue history of Northern India during the last 50 or 100 years are familiar with the settlement reports that used to be compiled by the officers entrusted with the settlement of land revenue in Provinces like the United Provinces and the Punjab in the seventies and the eighties of the last century. Those settlements were conducted in a leisurely fashion. The officers entrusted with the settlements had ample time and also ample staff. Their settlement reports are a mine of information to all students and even those records do not satisfy all the requirements that modern standards and modern needs prompt us to collect.

I think, Sir, I have said enough to indicate that a general economic inquiry will take a long time and will require not only the help of Provincial Governments but also of a very large army of investigators. I thought, Sir, from the speeches that I heard on the last occasion that there was an impression among Honourable Members of this House that the Government of India were opposed to such an inquiry. I have yet failed to understand why there should be any such impression. I think I have said enough to indicate that the Government of India are not opposed to any such inquiry. As my Honourable friend the Finance Member indicated the other day, the Government accepted a Resolution on this subject in the Council of State in February last and Government have been in consultation with Provincial Governments on this subject since then. As he stated, we have not yet received replies from all Local Governments and I do not wish to prejudge or even to forecast what the final decision of the Government of India will be. All I can say is that in my own personal view an inquiry of that description will require a very large number of investigators, will have to last over a very long time to yield any really valuable results and cannot be undertaken without the co-operation both of the Provincial Governments and of many non-official associations and individuals. Therefore, Sir, I wish that this House should not come to a hasty conclusion in this matter. I think I have indicated that we desire that there should be a full inquiry

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but the results of the inquiry would be valueless if we did not have a really good inquiry. I think there will be plenty of opportunities before any final decision is come to on this particular subject of a general economic inquiry,—I think there will be plenty of opportunities for further discussion on this subject both in this House and in the provincial Legislative Councils because, as I have already said, I agree with the Honourable Mr. Calvert in thinking that the Provinces also are vitally interested in such an inquiry.

Now, Sir, I come to the other subject, the original motion that was before the House, namely, whether the taxation inquiry should proceed. Here also I could not understand why Honourable Members of this House proceeded on the assumption—an assumption which so far as I can judge is entirely unwarranted by the facts of the case—that the underlying object of this taxation inquiry is to increase the burden of taxation on the people of India. I can find no such statement in the terms of reference which were published during my absence from this country but which I have studied with very great care. What are the terms of reference ? With your permission, Sir, I should like to read them over again to the House. Paragraph 5 of the Government Resolution runs as follows :

> " The following are the terms of reference to the Committee :
>
> (1) To examine the manner in which the burden of taxation is distributed between the different classes of the population ;
>
> (2) To consider whether the whole scheme of taxation, central, provincial and local, is equitable and in accordance with economic principles and if not in what respects it is defective."

I should like Members of this House to consider these two terms of reference without any prejudice and with an entirely open mind. Personally I should have thought that most Members of this House—Members who have sympathy with the poverty-stricken agriculturist, with the poorly paid day labourer, with the badly-housed and poorly paid town labourer—I believe there are many such Members in this House who have sympathy with these classes—I should have thought that they would welcome this inquiry into the incidence of the taxation on different classes of the population in this country. I should have thought that they would be only too pleased to have it ascertained whether the existing taxation bears hardly on any particular classes of the people and if so whether the incidence could not be moved from those classes to other classes better able to bear such taxes. Personally, Sir, I should have thought that they would welcome also the second term of reference, which includes a study as to whether the scheme of taxation is equitable and in accordance with economic principles.

Now, what is the third point of reference ? " To report on the suitability of alternative sources of taxation." On the last occasion we heard an impassioned speech from my young friend, the Honourable Mr. Chaman Lall, who advocated what is known as the single tax, the taxation of land values. We also heard another impassioned speech from my Honourable friend, Sardar Gulab Singh. He advocated on the other hand quite the opposite panacea, the permanent settlement of land revenue in all provinces of India. I should have thought that both my Honourable friends would welcome an inquiry into the suitability of these alternative sources of taxation.

Then, Sir, the fourth term of reference is :

"To advise as to the machinery required for the imposition, assessment and collection of taxes, old and new."

I cannot conceive of any opposition to this term of reference. From the interpellations that I listen to from day to day in this House it has always seemed to me that there is considerable dissatisfaction amongst at least a certain section of Members with the manner in which two of our principal taxes, the customs duties and the income-tax, are collected. Then, why should you object to an inquiry with regard to the machinery required for the imposition and assessment and collection of these taxes ?.....

Diwan Bahadur M. Ramachandra Rao (Godavari *cum* Kistna : Non-Muhammadan Rural) : May I ask the Honourable Member what is the exact significance of these words " old and new " ? Does it presuppose new forms of taxation ?

The Honourable Mr. A. C. Chatterjee : I take it that the word " new " refers to the alternative sources of taxation ; for instance, if my Honourable friend, Mr. Chaman Lall's theory is accepted and we want to tax land values, surely if the Committee advises it, it should also advise with regard to the machinery required for the imposition, assessment and collection of such taxes.....

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor : Non-Muhammadan Rural) : May I ask what the word " and " means there ? That new taxes will be tacked on to old taxes ?

The Honourable Mr. A. C. Chatterjee : I do not think that these terms of reference can be construed in the same way as a legislative enactment. I do not think there is really much difference between " and " and " or " in a paragraph in a Government Resolution that is drafted by a man who is not an expert draftsman.....

Dr. H. S. Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : May I, Sir, inquire whether the Honourable Member perceives any difference between standardising the present rate of taxation and the reduction of taxation after the economic inquiry ?

Mr. President : These are argumentative questions which ought to form part of a speech ; they do not make appropriate interruptions.

The Honourable Mr. A. C. Chatterjee : With reference to the question which Mr. Duraiswami Aiyangar put a little while ago, I should like to refer him to the opening sentence of paragraph 2 of the Government Resolution. It is said there distinctly that the motive for the appointment of the Committee is not the need for meeting additional expenditure or any intention to increase the total amount raised by taxation in India. I beg of Honourable Members of this House to study these terms of reference and the language of the Government Resolution carefully, not as a legislative enactment but as expressing the views in very rough and very tentative language of Government.

Sir, I have said enough to indicate that there is really no difference of opinion at least between those who want an inquiry into the present schemes of taxation in this country and those who want a general economic inquiry. I think, as has been already indicated in the Government Resolution, the taxation inquiry will provide a good deal of material, indirectly no doubt, which will enable us to decide what

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would be the best lines for a general economic inquiry if one is initiated. It would help us very greatly in determining the scope and the method of such inquiry. I think I have indicated that there is no reason whatever for opposing the taxation inquiry simply because we want a general economic inquiry. I therefore earnestly ask all Members of this House to ponder over the question carefully and I hope that both the Honourable Mover of the Resolution and the Mover of the amendment will withdraw their motions.

Mr. Narain Dass (Agra Division : Non-Muhammadan Rural) : Sir, I would like to add a few words to the amendment moved by Sardar Gulab Singh. Before doing so, I would like to submit, Sir, that the Honourable Mr. Chatterjee has treated the whole of the discussion of this Resolution as if it was merely an academic one, as if its sole object was to compare the present condition of India with its past condition. Sir, I submit that that is not the object of the Resolution. What we want is simply to know, in whatever way it may be possible, the taxable capacity of the people. I do not know that it will require a great deal of logic or that it will require a great deal of reasoning to show that the taxable capacity of the people and the quantity of taxes to be raised from them are inseparable and that they are indissolubly and intimately connected together. I do not know, Sir, with what show of reason, with what show of logic, it can be advanced at all that we can hold an inquiry—what has been courteously called a scientific inquiry—into the present methods of taxation without knowing at all and totally ignoring what our capacity to pay those taxes is. Now, Sir, we may look at the present position of the country. After a rule of 160 years, after introducing a variety of taxes (we can well imagine that at some remote period land taxation and one or two other forms of taxation were the only taxes the people of this country knew). During a time extending over 160 years, after introducing a variety of taxes, after mutilating or distorting the land revenue system of the country, after introducing innumerable taxes during this period, after putting a burden of 41 crores of rupees on the shoulders of the people, we are going to make a scientific inquiry into the matter. Now, what will be the result ? The whole basis of the inquiry presupposes that it is really a sort of readjustment of the taxes. It is only a sort of inquiry which will make a redistribution or readjustment. It does not presuppose, it does not take for granted that the least burden will be taken off, or that the capacity of the people to pay taxes will be taken into account. Now, just take the land revenue only. What do we see in some of the provinces ? I will take my own province. During the last four or five years irrigation charges have been increased by 50 per cent ; a burden of about 25 lakhs of rupees has been added by the Irrigation Department. Now, taking the land recurring settlement, I find that automatically, without any extra effort, two districts or 1½ districts on an average give an extra four or five lakhs of rupees a year. Now, that is the sort of thing which goes on imperceptibly, *ipso facto*, without providing anything for it. It is the normal thing. Now, after all this, we are simply going to make an inquiry—a scientific one—without taking at all into account what the taxable capacity of the people is. I would, therefore, submit, Sir, that, before we take to any such inquiry, we should make sure that the taxable capacity of the people—their capacity to bear the existing burden of taxation.

not to speak of the extra burdens that are going to be or that might be devised by the inquiry that is imposed on them—to make sure what their present capacity is. And, unless this is granted, I think it will be simply putting the cart before the horse.

With these words, Sir, I support the amendment put forward by my friend, Sardar Gulab Singh, as also the amendment moved by the Honourable Mr. Goswami.

Mr. President : In order to give a chance to some of the other amendments, I had better put Sardar Gulab Singh's amendment immediately.

The question is :

"That after the words 'general resources of the country' in Mr. Goswami's amendment, the following be inserted :

'and an investigation into the defects of the prevailing system of Land Revenue Assessment'."

The question is that that amendment be made.

The motion was adopted.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : Sir, I have closely followed the well-reasoned speech of the Honourable Mr. Chatterjee and I agree with him that the object of any inquiry now should be to aid us in the practical administration of the country and to better the poor condition of the people rather than to draw an odious comparison or a favourable comparison with the past. No object is served at all by going into the historic past and finding out whether the conditions then prevailing were better or worse than the present-day conditions. I am also of the opinion that the inquiry now started by the Government is a desirable inquiry. The objects of the inquiry as defined in the terms of reference are laudable in themselves. At the same time, my objection to that is that it is not thorough-going, it is not complete, it is imperfect, it is one-sided, and, if the inquiry is confined to the terms of reference, the results afforded by that inquiry will be unsatisfactory, and will not help us or the Government to come to right conclusions in dealing with the propositions which they have laid before them. My amendment to Mr. Goswami's amendment seeks to remove two of the substantial objections to Mr. Goswami's amendment, and also one of the objections to Mr. Rama Aiyangar's original Resolution. Both of them desire that the present inquiry started by Government should be stopped—either suspended or stopped altogether. I am not for stopping the inquiry started by Government,—(*Mr. T. C. Goswami* : "It has not been started yet.") proposed to be started. I want that inquiry to commence. But I agree with them that the scope of that inquiry is too narrow, and I therefore propose that, in addition to the subjects referred to that Committee, the subjects referred to in Mr. Goswami's amendment should also be included within the scope of the inquiry. In fact, on reading the terms of the Government Order forming this Taxation Inquiry Committee, one is led to infer that the Government are not averse to inquiring into the economic condition of the people. Their terms of reference (1) and (2) cannot be adequately inquired into without this exhaustive inquiry into the economic condition of the people. (1) and (2) contemplate such an inquiry and, if the Government object to enabling this Committee or another Committee to be formed to go into the economic condition of the various classes of the people of India, their

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income per head, their capacity to bear the existing burden of taxation, the resources of the country, why should they do so I fail to comprehend. They themselves contemplate such an inquiry, as I have pointed out, in clauses (1) and (2) of their terms of reference. They imply that and this amendment of Mr. Goswami's merely makes plain what is implied, as I gather from the terms of Nos. (1) and (2) of terms of reference. If they are not, as I see from the nodding of the head on the Treasury Bench—(*The Honourable Sir Basil Blackett* : "I did not nod.")—then I should say that it is high time that they should be included. There should be no ambiguity about it. These terms also should be expressly embodied in the terms of reference.

The next point is whether the present Committee, as constituted, is sufficient—I do not say competent—to go into this detailed inquiry which is needed. I have the greatest respect for every one of the individuals who compose the personnel of this Committee. Two of them I know personally. One of them I know for 30 years—the President of the Committee—and I have certainly no objection to the Committee on personal grounds. It is quite true that if the inquiry is to be useful, if the inquiry is to be thorough, there should be a larger Committee than the Government now propose, and it should include in its personnel not only people from this country but experts from the West, experts who will bring to bear upon the execution of their task a fresh mind, an unprejudiced mind, a mind which is not accustomed to work in ruts, a fresh mind which will bring the Western ideas to bear upon an examination of the conditions in this country. I am therefore for dissolving this present Committee, as it has been composed. It does not mean that the gentlemen who have been asked to serve on this Committee should not be asked to serve on the new Committee which is to be constituted. It should be a larger Committee, which will be able to work in sub-committees, a larger Committee which will appoint various sub-committees to go into the various provinces and gather the materials necessary in consultation and in collaboration. That is my object. The inquiry, I quite admit, will be a very wide inquiry indeed. But I do not think it will take that long time which Government Members and my Honourable friend Sir Sivaswamy Aiyer anticipate if such an inquiry were undertaken. The materials are already there. The records of the co-operative societies in the various provinces, the settlement reports of the various provinces where permanent settlement does not prevail, and in addition non-official inquiries which have been made already and official inquiries which have been made already are available, and those materials can be used. I do not say they will be enough. They will have no doubt to supplement the materials that they have already got. I know, for instance, in Bengal, during Lord Carmichael's time, he started an inquiry into the condition of the people in the villages—a very valuable record it was—and I know the Economic Association in Madras have collected materials as regards the economic condition in certain typical villages. For the inquiry which I have in mind, it will not be necessary to inquire into the conditions in all the villages in all the provinces. It will be enough if you take typical villages, typical classes of people, and hold an inquiry as to their economic condition. I think ample materials will be available. It may take a year or two or even three years. What is the objection to such an inquiry, which will be a thorough inquiry ? What is the urgency of the measure now contemplated ? What is it that the Government are after ? It is not

an academical inquiry they are after. They are apparently bent upon revising the systems of taxation. They think that the present system is not as scientific as it ought to be, and therefore they want to improve it. They want it to be more scientific. If they wish to make it more scientific, and if the object is not, as we have been assured this morning as also the other day, to find new sources of taxation—I think to put it more correctly it is not to find additional revenues,—it may be new sources of taxation—then what is the hurry of completing this inquiry in this imperfect manner? Nobody can deny that the two subjects are closely connected. You cannot find whether the present burden of taxation is equitably distributed between the different classes of the people and whether the scheme of taxation, central, provincial and local, is equitable and in accordance with the economic principles without finding out the bearing capacity of the people. You have to find out their standard of living, whether they have enough for living in comfort and whether you are taxing what is left after that comfortable living, or whether you are taxing the necessaries of life. Sir, the population of this country consists mostly of peasant proprietors. In most of the provinces—take Madras, take the United Provinces, take the Punjab—you will find the bulk of the people,—the people owning land, are about 60 to 70 per cent. In my own province it is about 80 per cent.—are merely peasant proprietors. In their case, Sir, they are equally taxed in the same ratio as the rich people, and if you really have to find out alternative methods of taxation and some have been suggested—two of them have been suggested in the debates, namely, death duties and also land values—how can you advocate them or determine not to recommend those two alternative sources of taxation without knowing the real condition of these peasant proprietors, who after all, will have to pay either death duties or will have to bear the burden of a tax on land values? Sir, in my view, it is impossible to separate the two things. They are interdependent. You cannot come to satisfactory conclusions without coupling the inquiries. I therefore suggest that nothing is lost to Government. I agree with them that you cannot avoid an inquiry into the questions which are contained in the terms of reference of the Government Resolution, and at the same time you cannot avoid the other inquiry which is suggested in the amendment. They must be contemporaneous. One of the instructions to the Committee which I propose may be that they should make interim reports in advance. If the Honourable the Finance Member is really anxious to proceed with certain matters he has in mind, then one of the instructions to the Committee may be, after they have acquainted them sufficiently, to make interim reports under different heads so that he need not wait for the final report. So, even if there is any urgency on any matter, it may be solved in that way. I therefore suggest, Sir, that the inquiry should embrace all these points and should be by a larger Committee which should include in its personnel representative non-official Indians and experts. I do not advocate any method of election. I do not object to all these gentlemen going on that Committee. But I do object, Sir, to this partial inquiry, which is contemplated by Government. It will lead to no satisfactory results. One thing more. This Government are making themselves unpopular in various ways. (*A Voice*: "They are already unpopular."). They are already unpopular and they are adding to that unpopularity. I know, Sir, that in province after province, the elected Members both of the old Councils and of the new Councils, have been pressing for an economic

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inquiry. I know, Sir, when I was in the Madras Legislative Council, we passed a Resolution in 1917 urging upon the Madras Government to undertake this economic inquiry into the condition of the people, but nothing was done. I know in other provinces it has been urged. It has been urged in every province. What is the Committee which you now propose ? A Taxation Inquiry Committee. When you have added 49 crores of additional taxation to the Central Revenues, when Local Governments are imposing additional burdens in different ways, what is it that you now propose to make your Government more unpopular ? You want a Taxation Inquiry Committee, whereas the cry of the country has been for an economic inquiry, you are pressing upon the country a Taxation Inquiry Committee. The term itself is objectionable. (*Laughter.*) My Honourable friend may laugh. (*The Honourable Mr. A. C. Chatterjee* : " What is there in a name ? ") There is a great deal in a name. You say that your object is to elevate the condition of the poverty-stricken millions. You admit that the bulk are poverty-stricken people in this country. Have an inquiry by all means. Put that in the forefront of the inquiry, and say, " Our object is to inquire into the condition of the people, to devise measures for their uplift, and at the same time to adjust the system of taxation on a more scientific basis." That the people can understand. What is it that you do ? You say, " I want to adjust the system of taxation. I want to have a more scientific system of bleeding the poor people." That is what you want, that is how people understand it. That ought not to be encouraged. I would earnestly appeal to Government that nothing is lost by a prolonged but thorough inquiry. It is not an urgent matter. Even if the inquiry is not completed during the official lifetime of my Honourable friend, Sir Basil Blackett, for whom I have the greatest respect, when he vacates the Finance Membership he can go on that Committee and complete that task and thus help the country to come to satisfactory conclusions. Therefore, I repeat, nothing will be lost, and I move the amendment that stands in my name.

Mr. President : Further amendment moved :

" That for the words ' inquiry into ' the words ' inquiry into the questions referred to that Committee and into ' be substituted."

Mr. W. S. J. Willson (Associated Chambers of Commerce : Nominated Non-Official) : Sir, it seems to me that the whole of this debate has taken place about a year too soon ! The Government have appointed a Taxation Inquiry Committee, and it seems to me that the right and proper course for us to follow is to let that Committee do its work and issue its report and one year hence, with that report in our hands, we might be in a very good position to debate many of the issues which have been raised to-day. Mr. Rangachariar says that there is, in fact, in existence some economic finding into the state of affairs in Madras. I have the volume in my hands. It is a large volume, it deals with comparatively few villages, and to hold such an economic inquiry as he proposes would necessitate a volume at least this size for every province in India. (*A Voice* : " For every district.") Well, I have in my hands this volume and I would like to call attention to what it says with regard to Indian poverty about which so much was made in the course of this debate. It says :

" To draw conclusions with regard to the broad economic conditions of life in India from a single village would be foolish ; but even a single village may suggest far-reaching hypotheses, which it is worth while to state with a view to subsequent correction or verification."

That starts off with one village and we should have to do the same for many others.

"India was famous for centuries for its wealth. Recent writers, from Lord Macaulay onwards, assure us that India is extremely poor. The official estimate of the average income per head of the whole Indian population in 1898 was only £2, though that was, very probably, an under-estimate at the time, and would have to be very considerably raised now. My own estimate (this is a book by Dr. Gilbert Slater) for the average income per head in the Madras Presidency in 1916-17 is not less than Rs. 72.....The real wealth of any country consists mainly in sunshine, either sunshine received directly from year to year, or stored in the form of coal or oil. True, sunshine is valueless without rain, but Southern India has, over the greater part of its area, as a rule an excellent rainfall."

Then, he goes on to say:

"Other crops are produced in immense variety and many of these are extremely productive and profitable."

I would recommend a study of this article to Honourable Members. It is on page 17. It is for one province.

But I want to call attention to the fact that India as a whole is not the poor country that we are asked to believe it to be. India is not a poor country, but a wealthy one, and an extremely wealthy one at that. (Laughter). True, the wealth is distributed inequitably, but the wealth is there and, as I hope to show, is able to stand a basis of taxation which we should raise for the further development of the country largely in the interests of those who do not at present possess a fair share of this wealth.

India produces arable crops of the annual value of Rs. 1,715 crores. That is a figure exclusive of the mineral resources, cattle, and so on and so forth, and therefore, I think you might take a total value at Rs. 2,000 crores. I invite those who wish to take the average income at either Rs. 30 or Rs. 72—I invite them to devide that figure by the population of the country and tell me the answer. Personally, I attach no value to that answer, but I do say this that it knocks into a cocked hat the arguments that we have heard as to the ridiculously low income per head per annum in India. I am not interested in what happened 150 years ago, but I would like to call the attention of the House to some of the developments of India which have taken place in my own time. In the last 20 years since I have been here in India, the irrigated crops have increased from 203 million acres to 266 million acres—all under arable crops. In addition to that, India possesses some 90 million acres of some of the finest timber lands in the world. She has further 50 million acres of undeveloped land, and the new Barrage in Sind is expected to develop some 6 million acres and to add to the value of the crops Rs. 18 crores per annum. Now, Sir, if this is an achievement under British rule, is it an unfair figure to quote? What has been the result of the development of the Chenab Valley irrigation?

"A railway for the carriage of produce was commenced in 1895.....In ten years the population rose from 8,000 to 800,000. Lyallpur is now an important city with an enormous export trade. In 1919-20 the value of the crops grown on the land irrigated by the Lower Chenab Canal was no less than Rs. 16 crores, or nearly five times the capital cost of the work."

Again, in paragraph 354 of this book, "The Land of the Five Rivers", see what has been done to increase the value of the land.

"The first auction so held was in the Lower Chenab Colony in 1892; an average price of Rs. 43 per acre was obtained which was regarded at the time as highly satisfactory. In 1919, when about 3,500 acres of waste land in the new Lower Bari Doab Colony came under the hammer, an average price of Rs. 593 per acre was realized and a maximum of Rs. 1,105 per acre. These prices were somewhat speculative and later sales indicate that the present price of the land averages about Rs. 400.

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The flourishing condition of the people can be gauged from the fact that, in the latter colony, the price obtained for shop sites in the market towns has averaged nearly Rs. 40,000 per acre.''

That is a direct result of the irrigation. For irrigation, it is perfectly true, you may have to borrow money to build your canals, but the interest on that money has to be paid out of the taxation, and it is largely because of your irrigation and your increased works that your taxation has gone up by this figure of 41 crores additional taxation which we so frequently hear of in this House. But the wealth of the country has gone up by more than that figure. The rice crop has risen from 50 million acres in my own time to 80 million acres, an increase of 60 per cent. The acreage under wheat has risen from 25 million acres to 30 million acres and the produce has increased from 7½ million tons of wheat to 10 million tons of wheat, an increase of 33 per cent. These increases are out of all proportion to the rise in the population. Therefore, they have produced a surplus of crops which you have now available for export and which you do export and bring in the money from abroad.

Then on the question of poverty. We have been all but told in this House that thousands of individuals in India live on a slice of salt a day with a few crumbs of bread sprinkled on top of it. But, Sir, the poverty of the individual, regrettable as it is, is very largely caused by laziness. If the agriculturist is poor in cash he is certainly very rich in leisure !

If we had the findings of the Taxation Committee, they would tell us how to distribute our taxes. We ourselves, on our own responsibility, threw back into the country some of the revenue which we were getting on the salt tax. We threw it back in a form which reaches the poor man in a fraction of a pie per head per week or some useless figure which he can do nothing with. Had we distributed that money to the provinces, the provinces would have been able to build water-works, or go on with sanitation, or some concrete solid thing which would last for ever and not be dissipated as our refunded salt tax is likely to be.

Part of the reason of the poverty is of course due to the early marriages. The poor quality of cattle is due to the fact that we grow far more cattle, more head of cattle than we can really feed, with the result that we have an altogether inadequate supply of milk.

Therefore, Sir, with all these very important problems to be considered, it seems to me essential that we should have the findings of this Taxation Committee. I know it has been said that the personnel of the Committee does not meet with the approval of many Members of this House. I ask you to consider for one minute, did the personnel of the Tariff Board appeal to you very strongly when you first heard of it ? And what was the result ? We had a Tariff Board consisting of one Indian Civil Servant, one professor from Bombay and one barrister from Rangoon. Not on the face of it, so far as their professions went, a very attractive Committee for business examination. But look at their work. Their work is perfectly brilliant, and we have no reason whatever to suppose that the work which this Taxation Committee will do will be any the less brilliant.

When we have got its report I am quite ready to find on page 26 or page 56 something which will start off a special inquiry under some sub-head or other with which we shall have to proceed. But to hold up the whole of the work of this Committee, in order to embark on another inquiry of this magnitude, seems to me to suggest the wrong thing to do. I there-

fore say that in our own interests we ought to await the findings of this Committee and then ask Government to give us a reasonable time, two or three days, for a full debate thereon, and, if necessary, the appointment of sub-committees to work out some of the details of their findings.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly, Non-Muhammadan Rural) : I have noticed since the last day when we discussed this Resolution a good deal of tenderness for this Taxation Committee that has been asked to sit immediately and proceed with its inquiry. Various amendments have been suggested since that day which try to effect some kind of a compromise between this taxation inquiry and the economic inquiry which my friend Mr. Goswami desires should be carried out before any taxation inquiry is started. I desire to say that, so far as this taxation inquiry proper is concerned, our Resolution asks that this inquiry should be dissolved, and it asks that in its place an economic inquiry should be started. It has been said on the Government side that no reasons were adduced for stopping the taxation inquiry. Whatever may be the reasons urged for the necessity or advisability or the urgency of an economic inquiry of the kind suggested, the taxation inquiry should, it was argued, be allowed to proceed. My friend the Honourable the Finance Member gave us very roseate pictures of the great good that this taxation inquiry is going to bring to us in the achievement of Swaraj. We were told that this Committee will develop schemes of federal finance which must rejoice the heart of the Swarajist, and we were told that this Committee will also develop and place before this country a scheme which will be in consonance with the principles of reform for which this country stands. In fact, my friend went so far as to say that this inquiry is supplying a deficiency which was left unfulfilled at the time when the reform scheme was put into operation. I believe he used the words, " a gap in the reform scheme which this Committee will seek to fill ". I was wondering whether all this was really what we are going to have and I looked at the terms of the answer which the Finance Member gave me to my question on the 18th February last as to the terms of reference of this Committee. I put that question in February having regard to the debate that took place in another place as regards an economic inquiry and as regards the purpose of this Taxation Committee's inquiry. There was a good deal said in that debate by the Finance Member and by the Member for Education, Health and Lands. Much was made at that time about the fact that this Taxation Inquiry Committee by itself would afford most excellent material and would be the starting point for the larger economic inquiry which the Government of India were then prepared to commit themselves to. We were told also at the time that the present system of finance in this country was no system at all. In fact my friend the Finance Member used the word " amateurish ", and he wanted to replace this system by a scheme of federal finance. He wanted to readjust the financial system so as to make it in keeping with the scheme of self-government which we are expected to develop in the years to come. I ask, Sir, whether the terms of reference which have since been settled on in consultation with the various Provincial Governments are such as to lead to the discussion of any system of federal finance. I am surprised that the Honourable the Finance Member should talk of the inquiry which is now to take place as if it had any relation to any scheme of federal finance. My Honourable friend Mr. Patel the other day said that we would be putting the cart before the horse if we proceeded to deal with

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the system of taxation in this country before we dealt with the economic condition in the country. Sir, the Finance Member is really putting the cart before the horse in another way when he wants to evolve a scheme of federal finance before we can even think of a scheme of federal government in this country. A scheme of federal finance necessarily implies a scheme of federal government. Even the talk of mere provincial autonomy has not been tolerated in Government circles for a long time. We have been told again, Sir, in the course of the inquiries which have been conducted by the Reforms Inquiry Committee by no less a person than Sir Frederick Gauntlett, the Auditor General, that if any scheme of provincial autonomy within the Act is really recommended by the Reforms Committee, it would be a most complicated and difficult thing for him to separate provincial finances from the Central Finances. The manner in which the figures of Provincial balances and liabilities should be distributed and adjusted would be, he said, a most complicated and elaborate thing to carry out, and he said that provincial autonomy cannot be effected in financial matters in the easy way in which they talked about it before the Committee in regard to administrative matters. If that is the state of things, what is the use of talking in large terms and big phrases of federal finance, filling the gap in the Reforms scheme and so on ? What is the present position, Sir, so far as finances are concerned ? The provincial finances, provincial taxation, as well as expenditure, are absolutely at the mercy of the Central Government and of the Secretary of State in Council. We have been told that we have been given separate finances, separate powers of expenditure, separate borrowing powers and what not. If one reads the sections of the Government of India Act and the rules made under those sections the absolute impotence of Provincial Governments as such, let alone the question of the control of the people by their representatives in the Legislatures, becomes more and more manifest. What opportunity has been afforded to the Provincial Governments to avail themselves of the power of borrowing which has been given them under section 30 (1) A of the Act ? Very little use has been made of it because of the restrictions imposed. Indeed one of the things which we are told this Taxation Inquiry Committee is hereafter going to deal with is this question of borrowing and the creation of a Provincial Loans Fund. Then, Sir, we were told by the Honourable the Finance Member that apart from any question of economic conditions or of the burden of new taxes and so forth, there were certain administrative difficulties in connection with the existing complicated system of taxation which must necessarily be dealt with by this Committee, and that is why this Committee should sit and investigate. But I find, Sir, in answer to a question which I put to him on the 18th February last, that the two points of difficulty which he now says this Committee is going to deal with, have already been settled by the unanimous decision of the Provincial Governments' representatives at the Financial Conference which took place in November last. As regards the question of the Excise, in the answer which Sir Basil Blackett gave me in February, he said :

"In addition to the inquiry into taxation the more important matters discussed at the conference of Finance Members of the Provinces were the question of improving the arrangements for provincial borrowing and establishing of provincial loans funds, the adoption of general principles in regard to excise so as to avoid conflicts of provincial interests and....."

We then find in his answer:

"..... and the decisions of the conference, which were unanimous, will require and have been referred to, for confirmation by the respective Governments."

I take it, Sir, therefore, that so far as this question of Excise is concerned, the decisions have been taken already and they only remain to be carried out.

I would next refer to the actual position of the Provincial Governments in regard to taxation and expenditure. Under the Government of India Act we find the Provincial Governments fettered in their power to tax provincial resources by what is known as the Scheduled Taxes Rules. If any scheme of federal finance is to be developed it cannot be by an inquiry into the working of the Provincial Scheduled Taxes Rules or Provincial Borrowing Rules, for it is clear that nothing can be done by the Provincial Governments or Legislatures without the previous assent of the Governor General in Council and the Secretary of State in Council in all essential matters. In a scheme of federal finance, we cannot have rules, for instance, such as we find in the Devolution Rules which say that without the previous sanction of the Secretary of State in Council, no appointments can be created by Provincial Governments involving a salary of more than Rs. 600 a month in the Reserved Departments, and no appointments involving a salary of more than Rs. 1,200 a month can be created in the Departments transferred to Ministers, who are supposed to be responsible to the Legislatures. Many such most meticulous restrictions do still find a place in the rules and in the regulations of the Government of India, and yet we are told that this great and grand Taxation Inquiry Committee is going to develop and evolve for us a scheme of federal finance. I say, Sir, the meaning of this inquiry is purely and simply, as my friend Mr. Patel put it, to find the best means of having fresh taxes and fresh resources for taxing the people of this country.

There is only one other point to which I desire to refer. This Committee which has been asked to inquiry into the system of taxation has, curiously enough, been expressly restrained from dealing with the question of land revenue. Now, as has been pointed out by my friend Mr. Rangachariar, and my friend Sardar Gulab Singh, the question of land revenue goes to the root of all taxation in this country. And if you are going to evolve any system of taxation, central, provincial or local, the question of what you are to do with the land revenue is a vital question. My friend the Finance Member said that, so far as that question is concerned, the terms of reference would comprise land revenue only in so far as it bears upon the question of the burden of taxation on the people of the country. But I ask, Sir, is this land revenue going to be treated as rent or revenue? If it is going to be treated as rent, whose rent is it? Is it the rent of the Central Government or of the Provincial Government, or is it the rent of various local authorities in whose areas these lands acquire more and more value by reason of the work of the local administrations or authorities? These questions are all so complicated that I am surprised that my friend should regard this inquiry that is now being started under the very limited terms of the reference to it as an inquiry which is going to help us in the evolution of Swaraj. On the other hand, Sir, I think that neither the terms of reference nor the personnel which has been appointed to consider them can by any means deal with any of the real financial questions upon which we are most intent, most insistant and

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urgent to-day. I say, Sir, that no question regarding the reorganisation of the system of taxation or finances in this country can be taken up until you deal with the question of the reorganisation of the government in this country. The one bears most intimately on the other, and until the main question is settled, the taking up and settling of these subsidiary questions will only tie our hands and mortgage our rights and privileges for the future. When we, the people's representatives, are in a position to take up our own Provincial Governments and make them responsible and democratic, we will be confronted with the arrangements which this hole and corner inquiry now started will have imposed upon us. I therefore, strongly urge this House not to accept this Taxation Inquiry, nor the Committee which has been appointed to consider it on any pretext whatever. On the other hand, I desire that this House should whole-heartedly adopt my friend Mr. Goswami's amendment, because the inquiry into economic conditions is an inquiry which at all times and all places could be conducted and would be valuable to any Government, democratic or bureaucratic, that is in this country; and that inquiry will form the basis for the reorganisation of the system of taxation in this country upon federal or any other principles of Government that we may have to adopt. Federal principles of finance also vary. There are countries in which the Central Government has all the residuary resources of taxation; there are countries in which the part States have all the residuary resources of taxation. If you examine the provisions of our laws in India there is no such conception found to exist. You have only what is called in the Government of India Act an "allocation of certain revenues", to Provincial Governments as the agents of the Secretary of State, and those allocations are subject to restrictions and rules which can by no stretch of imagination be said to confer autonomy on the Provincial Governments.

The Honourable Sir Basil Blackett (Finance Member) : Did I not say there was a gap in the present system ?

Mr. A. Rangaswami Iyengar : Oh, quite so : and therefore I say you should fill that gap in the proper way. I want to know how you are going to fill that gap by this inquiry when the Act and the statutory rules under the Act make it impossible for any Committee that you may now set up to alter those Rules or those sections of the Government of India Act. That is why I say that the Act must go ; it must be altered so that it confers real financial powers not only upon the Provincial Governments, but upon the representatives of the people in the Legislatures that will be set up by the amended Act to control them. Therefore, Sir, I submit that neither the inquiry nor its personnel should be accepted. On the other hand, we should proceed with this economic inquiry forthwith.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, the question before us has been debated from all points of view, official and non-official. The latest important contribution made to it is the speech of my Honourable friend Mr. Willson. He has told us of the great progress which has been made by India, by the increase of the land under cultivation, by the extension of irrigation works and in various other ways. He has unfortunately forgotten to tell us how much of this increased income

is absorbed by the existing administration. That is exactly the way in which a question like this is looked at by some of our European friends. There has no doubt been a great deal of improvement in many directions since British rule was established in India. There has also however been a great deal of deterioration in some other directions. The question to inquire into is, what is the sum total, what is the result of the progress achieved and of the losses suffered, of the obligations incurred and of the burdens imposed upon the people ? That is a question which requires to be looked at squarely. If you merely look at the progress that has been made, if you only look at the green fields which tell you of increased cultivation, if you look merely to the figures which tell you how much grain has been exported outside the country, but if you do not at the same time inquire how much of the increased income which they indicate is left with the people, then you are doing a wrong to the people. You are not looking at the question in a fair and square manner ; you are looking at only one side of the question, and want to beguile yourself into the belief that everything is fair and satisfactory in this world to-day. Now, Sir, the proposal for a taxation inquiry has emanated from Government, and it is important to note that not only the official Members but some other Members, particularly my European friends in this House, seem to desire that the inquiry into the economic condition of the people should be postponed, if not avoided. The taxation inquiry which has been proposed will not inquire into the capacity of the people to bear further taxation. It may recommend new taxes or readjustments of some existing taxes ; but it is not likely to succeed in pointing out many new directions for taxation. It seems as if the Finance Member had conceived the idea of a taxation inquiry in a country where the Government has been newly established, and where new sources of income have been created for the first time. It seems as if it were forgotten that there has been an administration going on in this country even under British rule for over 150 years ; that the possible sources of taxation have been looked into by every Finance Member, in fact by every Collector from the time he was appointed to the time he rose to be the head of the Government. The land has been taxed, customs duties have been imposed, salt has been taxed, excise has been taxed, stamps have been taxed, and I doubt if there are many sources left to be utilised as sources of fresh taxation. The customs duties are comprehensive enough to include any article which the Government may desire to tax. I should be surprised if the Taxation Inquiry Committee should be able to suggest many sources of taxation which have not already been thought of. If this view is correct, what will be the result of this Taxation Inquiry Committee's recommendations ? We seem also to forget that there is a Central Legislature in India and that there is a Provincial Legislature in every province. It is the function of the Legislature to deal with the question of taxation. As I have said, the possible sources of taxation are very well known, and the question as to what new sources should be added to those already existing is a question entirely for the Legislature. You wish to ask a few gentlemen, all very able men, to investigate the question of the possible sources of taxation from the academic point of view, and to record their opinions on the subject. But when the necessity for fresh taxation will be felt by the Legislature, a concrete proposal will have to be brought before it and it will have to debate and decide what particular tax should be added to those existing or where taxation should be increased ? The question will have to be considered in all its bear-

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ings by the Legislature, either the Central or the Provincial Legislature, as the case may be. Every single proposition of that kind will have to be submitted to the consideration of the Legislature. Now, I ask, Sir, what will be the value of the recommendations of the Taxation Inquiry Committee under those circumstances? Every proposition relating to taxation must come before the Legislature; the Legislature must examine it by itself, and in a matter like this the fact that a few gentlemen have made certain recommendations will be of very little value. We have had other Commissions of a larger character; we had the Industrial Commission in 1916, there were very able men on the Commission, many recommendations were made by them, and what has been the fate even of those recommendations? That is why I think, Sir, that the appointment of the Committee has been a mistake. The money that will be spent upon it will to my mind be lost; the time which will be given by these gentlemen who have been asked to work upon it will be largely, if not entirely, wasted.

The second ground, Sir, upon which I object to this Committee is that the Honourable the Finance Member has usurped the functions of this Assembly. I submit that where a Legislature is in existence, it is due to that Legislature that the Finance Member should come to it with a proposal like the one under consideration, lay it for the consideration of the Legislature and take its opinion on it before he undertakes to spend public funds upon it. He has no right to do otherwise—I mean no disrespect to the Finance Member—but I submit he had no right to do otherwise. It was the function of this Assembly to decide whether a Taxation Inquiry Committee should or should not be appointed; he should not have appointed the Committee without consulting the Assembly, and I submit, Sir, he would be wise in withdrawing from that position. If the matter had been laid before the Assembly, it would have been considered by it, and it is possible that the Honourable the Finance Member might have recognized the wisdom of not pressing his proposal. Or it might have been that the Assembly might have arrived at the conclusion that there should be a broader inquiry, an inquiry into the economic condition of the people which would naturally show in its result what taxation might be reduced and what taxation might be added.

The third ground upon which I object, Sir, to this inquiry is, that it puts the cart before the horse. You cannot fairly come to a conclusion as to the sources of new taxation, or as to what increase of taxation might be put upon the people, without knowing the economic condition of the people. It is no good hiding the fact from ourselves that taxation has been increased to a very large extent. There has been a long-lasting cry that the economic condition of the people cannot bear this taxation. My Honourable friend, Mr. Willson, gets up and says, "oh! the country has been prosperous, it is thriving, look at the green fields, look at all the exports, look at all the work that has been going on, and be satisfied that the economic condition of the people is good." It is wrong to look at the condition of the people in that way—it is like the way some dairy-men look at the cows in their dairy; they feed the cows, they give them shelter, in order to extract all the milk they can from them. The main question to be considered is, what is the amount of milk that you leave for the calves. The question is, of the income which has been increased how much is left with the people? That is the question which must be looked into before you can decide whether the

taxation which exists at present is or is not beyond the capacity of the people. Such an inquiry has been asked for for a long time. You go back to the time when the Indian National Congress was first constituted. At its very first session it urged that there should be an economic inquiry into the condition of the people. That request was repeated times out of number, but Government have never responded to it. Why should not Government now undertake such an inquiry ? The question is of very great importance from every possible point of view so far as the people are concerned. You have high taxation existing here, and you must know whether the incomes of the people are such that this taxation can be justly continued. There has been a great deal of increase in All-India taxation, and that is the reason why this inquiry should be an All-India inquiry. I have been told that Local Governments are, with the exception of the Government of Bombay, opposed to an All-India inquiry. I am not surprised at it. Provincial Governments are apt to look at the question from the provincial point of view. They may not look at an Imperial question, at an All-India question, from the right point of view. If you have expenditure of an All-India character of a huge amount, if you have All-India taxes which the people have to pay, it follows naturally that there should be an All-India inquiry into the economic condition of the people. And what does an All-India inquiry into the condition of the people mean ? It does not mean, as was suggested somewhat unjustifiably, that you should take the average income of a man in one village and adopt it as the average for all India. No one suggested such a course as that. There was an inquiry ordered by the British Government in the year 1884 during Lord Dufferin's time. In partial response to a demand for an economic inquiry by the National Congress, the Government of Lord Dufferin ordered an inquiry. That inquiry was held in some Provinces, particularly in the United Provinces. Certain villages were selected, and the results of the inquiry in those villages were synthesized to form an idea of the general condition of the people. If you will have an All-India inquiry now, it will mean you will have an inquiry from Province to Province. A few villages will be selected in each Province ; and it will be ascertained what the incomes of the people of different communities there is. That, when synthesized, would give you an idea of the general average income of the people of the different Provinces. It will enable you to have an idea of what the general economic condition of the people is, and that is essential in order that you may be able to judge whether the taxation, which is at present laid on the people, should or should not be maintained.

Sir, when reference was made by my Honourable friend Mr. Willson to the increasing prosperity of the people, I wish he had also remembered the increasing taxation which has been imposed upon the people, and I wish he could tell us, after some calculation, how the increased produce of the country, how the increased income of the country, compares with the increase in taxation which has been imposed. He referred to the increase of 41 crores of new taxation, and he did not tell us how much of the increased produce which he had in his mind had been absorbed in order to support that taxation. The truth is that taxation has been increased in a large measure. All the new lands that have come under cultivation, all the green fields which have been made greener by the help of irrigation, have contributed to this extra taxation. In 1914 the military expenditure, the Army expenditure stood under 30 crores. Now it has gone up to 60 crores. It had been more than doubled at one time,

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and even now it is nearly double of what it was in 1914. Other taxation has likewise gone up. Look at the income-tax, look at the super-tax, and all the taxes you have added, and try to find out how it compares with the poverty of the people. Sir, there is no criterion available to us—not one particular criterion available to us—which might help us to form some idea of the income of the people, with the exception of one, and that is the income-tax. Let my friends who talk so glibly of the increased prosperity of the country look at the figures of the income-tax. Let them find out what is the average income of the more prosperous section of the people as shown by the figures of the income-tax, how few are the men who have very large incomes and how many of those few are to be found in the European community, big merchants who are growing rich on the trade and industry of this country, and high officials. When you look at the number of Indians who pay income-tax, you will find that the increase in the wealth of the country has certainly not been one-fourth so great as the remarks of my friends would make us believe. That is the situation. Therefore you need an All-India inquiry in order that you may find out what the national average income of the people is, in order that you may consider whether the existing taxation is justifiable. Such an inquiry is urgently needed. An economic inquiry into the condition of the people is urgently needed, because unless the real facts about the average income of the people are established, the great stimulus which such knowledge ought to give for the Government to reduce their expenditure will be wanting. The Government are not at present paying sufficient heed to the demands of the people for a reduction of expenditure ; but if the facts regarding the general average income of the people could be established to a reasonable extent, I think that would exercise a great pressure upon the Government to reduce the existing expenditure and taxation. It is therefore vital in the interests of the people that such a general economic inquiry should be held. A taxation inquiry at present looks like adding an insult to an inquiry. The people complain of this injury that you have gone on piling taxation upon taxation without making an honest, an earnest attempt to find out their capacity to bear that taxation. While they are complaining of that you appoint a Taxation Inquiry Committee to find out how taxation might be increased and made more systematic. I challenge anyone, including the Honourable the Finance Member, to suggest a practical scientific system of taxation. It is an utter impossibility. A scientific method of taxation or no scientific method of taxation, the question of what taxes should be imposed depends upon the capacity of the people to bear taxation. What are the objects which are capable of bearing taxation most ? Those have been found out, examined and decided upon by the predecessors of the Honourable the Finance Member and by other public men. Not much good will result by spending public time and money over such an inquiry. The inquiry that is demanded by justice, by the interests of the Government themselves, as well as by the interests of the people, is a general economic inquiry ; and I hope the Government will yet revise their opinion.

The Finance Member should not think that the opposition to his proposal means any personal disrespect to him. In this world we have to carry with us those whom it is our duty to serve. The people have to be served. The representatives of the people are willing to co-operate with the Government in having a general inquiry, the result of which will also

serve the purpose of the Finance Member by showing where taxation might be reduced and where it might be increased. But to hold such an inquiry without having a general economic inquiry will be a very wrong procedure. It has been said that this inquiry will take a very long time. I beg to demur. I do not think it will take an enormously long time. As matters stand an economic inquiry might well be finished within a reasonable time. A period of twelve months or two years should be sufficient to give the people enough data to be able to form reasonable conclusions and to act upon them. If the inquiry is not completed within that time, it will yet place the Government in possession of facts which might lead them to restrain their hands, so far as increasing taxation is concerned. It might lead the Government seriously to think of reducing expenditure. For all these reasons I support the proposal of my Honourable friend Mr. Goswami with the amendment which Diwan Bahadur T. Rangachariar has moved. I hope the Government will consider the matter seriously and see if they cannot accept it, and by accepting satisfy the people that they have the interests of the people truly at heart.

Mr. N. M. Joshi (Nominated : Labour Interests) : Sir, I was somewhat surprised to see the opposition from some quarters to an inquiry into the incidence of taxation and into the question of its equitability. Sir, personally for myself when I learnt that an inquiry into the taxation of this country was going to be made I was very glad to hear that news. During the last few years the taxation of this country has increased tremendously without any examination of the incidence of that taxation, and also without inquiring whether that taxation was equitable or not. Not only that but it was only in last May that on account of an alliance between Government and the representatives of the people the taxation was increased. Even to-day, if Honourable Members will read the amendments to one of the Resolutions that are going to be discussed, they will find that some representatives of the people are coming forward with proposals to increase the taxation. Is it not therefore right for Government before they increase the taxation any further to inquire whether the present incidence of taxation is just or not, whether there are any classes of people in India who have reached the last limit of being taxed or not ? I therefore feel greatly surprised at the attitude of some people who wish to postpone, at least if not to oppose, the inquiry into the incidence of taxation. Sir, I was glad at the appointment of this Committee, not because I approved of the terms of reference to this Committee thoroughly—I do consider that the terms of reference are inadequate and I do not want to say that I approve of every name on this Committee—but, Sir, I was glad because I felt that this inquiry, which is urgently needed, was at last being undertaken. I do admit that it is not possible for the Taxation Committee to do its work well and decide whether a particular tax is equitable or not without going into the question of the income and expenditure of the average man in this country. I do believe that a certain amount of larger inquiry is absolutely necessary in order that the Taxation Committee should do its work well. But, Sir, that does not mean that the two inquiries cannot go together, or that the taxation inquiry should be suspended till the larger inquiry is finished. In the first place my fear is that, if this larger inquiry into the economic condition of this country is undertaken, and if the members of the Committee take it into their heads to do their work very thoroughly as some people said, I am afraid, as one Member of the Council of State

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stated, the inquiry may take fifteen years. (*Diwan Bahadur T. Rangachariar* : "Not at all"). I do therefore want this Committee to put a limit to the work which it may undertake and finish its work as early as possible. But, Sir, at the same time I do not want the Taxation Inquiry Committee to suspend its work. Let the two things go together and be finished as early as possible ; because if the taxation inquiry is suspended, there are really great dangers of the poor people of this country being saddled with unjust taxation. There are already proposals to increase the taxation, and to reduce some. There is going to be a proposal discussed to-day that a certain tax should be removed. Now, if that tax is going to be removed and if there is no proper alternative suggested, I am sure Government and their allies, the rich people, will put certain taxes which will fall upon the common people for whom there will be nobody here to speak (*Sir Purshotamdas Thakurdas* : "Except you."). Sir, it is absolutely necessary at present to find out whether in the first place the taxation is equitable. My opinion is that there is a very large class of people in this country who ought not to be taxed at all. People whose income is below a certain minimum, whose income is not sufficient to keep their body and soul together and for their healthy maintenance, ought not to be taxed at all. Why these people should be taxed I cannot understand. I do not say that Government are not of any use to these people. But at the same time we must see that people who do not get sufficient money to maintain themselves are not deprived of what little they have ; it is not a principle of humanity to deprive a man who has not got sufficient to eat, of what little he has got. Moreover, Sir, although I do not say that the Government are not of any use to a man of that kind, I do say this, that the costly machinery of Government is not of much use to such a man. The Government exists, especially a costly Government exists, to protect the properties of the rich people ; and if the poor people have not got any property why should they pay to this Government ? No doubt Government also protect the lives of these people ; but, Sir, the poor people can protect their lives even without the assistance of Government. The real use of a Government is for the people who have got property to protect, and it is these people who want to protect their lives also from the other classes of people. I therefore think that it is in the first place absolutely necessary to find out what class of people there is in this country which ought not to be taxed at all. That is the first thing which the Taxation Inquiry Committee should do. After having done that (*Mr. K. Rama Iyengar* : "Can this Committee do that ? That is the question.") I will come to that. The second question which I would like the Taxation Inquiry Committee to undertake is to find out an equitable distribution of the necessary taxation ; and the equitability of the tax must be decided by two things ; first, according to the ability of the people to pay the tax—and secondly, the tax should fall upon people according to the use which they make of the costly machinery of Government. If these two principles are borne in mind by the Taxation Committee, I think they will be able to give much relief to the people in this country.

I have made it clear, Sir, that I am not against any wider inquiry into the economic condition of the people. As a matter of fact I do admit that some inquiry into the economic condition of the people will be absolutely necessary. I do not wish to go into the question whether India has become poorer or richer after the arrival of the British in this country. Some people may hold that India is getting poorer ; some may hold that India

is getting richer ; but there is one fact which is absolutely clear that the average annual income of the rural population in this country is indeed very small ; it is not large as my Honourable friend, Mr. Willson, said. I have not made any research but, Sir, when I consider this question there are two or three facts which always come to my mind. The first fact is the rate of wages on the Assam Tea Gardens. Sir, the labourers on the Assam Tea gardens get on an average Rs. 6 per month or Rs. 72 a year ; and I find that people from more than 200 miles go to Assam to earn this Rs. 6 a month or Rs. 72 a year. Naturally, therefore, their income in their own villages must be much smaller—it cannot exceed say Rs. 50—I might even put it down at less than Rs. 40, because no man will leave his home and go a distance of 200 miles in order to earn Rs. 72 a year, and that too under conditions which no self-respecting man will tolerate. In Assam, as everybody knows, a man is not as free as people are in other parts of the country. And that men can, after leaving their homes, go to Assam in order to earn Rs. 72 a year clearly shows that the average income of a man in India must be much less than Rs. 72. Then, Sir, there is another fact—the same fact practically. My Honourable friend, Mr. Rangachariar, the other day brought to the notice of this House that a large number of labourers leave Madras to go to Ceylon in order to get 5 annas a day. Sir, let us consider if a man goes to Ceylon in order to get Rs. 9 a month, what must he be getting in Madras ? Certainly his average income cannot be very much. (*Mr. A. Rangaswami Iyengar* : "He is misled.") Sir, there are some people who think that these labourers are misled. I do believe that some labourers are misled. But, Sir, thousands and thousands of people year after year for the last fifty years could not be going to Ceylon, to Malaya, and even to Assam, from Madras simply because they were misled. And, Sir, as far as Assam is concerned, I have made personal inquiries from people who go to Assam from Madras, and I have convinced myself of the fact that at least everyone of them was not misled into going to Assam. I feel, therefore, that some economic inquiry is absolutely necessary. But at the same time, I do not want this economic inquiry to be protracted and to be delayed so that in the meanwhile some taxes should be removed and some taxes should be added without inquiry into their incidence.

Sir, I do not wish to say much about the personnel of the Committee. Personally I do not believe that even by election you will get a much better Committee. But it is rather a difficult subject to discuss. There is only one point to which I would like to refer. The Honourable Member from Bombay, my friend Mr. Vithalbhai Patel, referred to Dr. Paranjpye, and he said that he may be a good teacher, but his choice was the worst which the Government could make. Sir, I do not know that there is any connection between teachership and membership of the Committee. But, Sir, I know this much that, if a good teacher is disqualified from being a member of a Committee like this, I cannot understand how a good barrister is quite fit to become a member of the External Capital Committee. Sir, I know it is not in good taste to refer to personalities in a House like this. But, Sir, I am quite sure that, even such a reference is not quite out of taste with my Honourable friend from Bombay. Moreover, Sir, my Honourable friend may say that he is elected, and Dr. Paranjpye was nominated by Government. But, Sir, I do not feel that, if a man is not quite suitable for one Committee, he can be made suitable even by election. The only difference is that this suitability or unsuitability is carried back to his

[Mr. N. M. Joshi.]

electors. But, Sir, I feel the House will agree with me that the economic knowledge of Dr. Paranjpye cannot be less sound than the economic knowledge or the economic expertness of those people who, during the last few years, at the dictation of a masterful personality, not by their own conviction, tried to fool this country to believe in the wonderful economic panacea of the spinning wheel. Sir, Dr. Paranjpye is a better economist than any of these people. I do not wish to go any further into the merits of the personnel of this Committee. If some people want some addition to the Committee, let them have that addition. I am not opposed to that also. But, Sir, I am anxious that in any case an inquiry into the taxation should not be either suspended or postponed.

Mr. M. K. Acharya : I move, Sir, that the question be now put.

Mr. President: The House will now adjourn. I see there are a number of Members who wish to speak. This House will now adjourn till 2.30.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

Diwan Bahadur M. Ramachandra Rao: Sir, during the course of this discussion many instructive and interesting observations have been made, both in regard to the points raised in the terms of reference to the Taxation Inquiry Committee and also in regard to a cognate matter relating to the economic condition of the people of this country. I do not propose, Sir, to refer to the many criticisms that have been made on this subject or to support everything that has been said in criticism of the measures taken by the Government in the past and in the present. Sir, on this occasion, many of the Honourable Members either struck a note of optimism or of intense pessimism. The Honourable Mr. Chatterjee has made some observations to which I should like to refer. Sir, it has been our purpose since the expansion of the Legislative Councils, to secure a thorough-going inquiry into the material condition of the people of this country. In Madras at any rate, since 1910, there has not been a single year during which Members of the Madras Council did not make an effort in connection with the resettlement schemes that came up for examination to secure this inquiry. We were, however, always unsuccessful in this attempt. I have no doubt and several Honourable Members who took part in those debates have no doubt, that the reason why these inquiries were not sanctioned by the Government was a fear that the results of an economic inquiry would be used to discredit the Government. On the present occasion, Sir, I am very glad to find from a statement made by the Honourable Sir Basil Blackett that at least one Local Government, namely, the Bombay Government, has welcomed an inquiry into the economic condition of the people of this country, and I trust that, whether this inquiry takes the comprehensive form we desire or not the Local Governments would be able to co-operate in the final decision that may be come to by this House and the Government of India in regard to this very important question.

Sir, so far as the subject matter of the reference is concerned, I should like at the outset to say that I agree with those Honourable Members who

said that there was in the terms of reference a great deal that meets with our approval. The terms of reference raise the very important question of the financial relations between the Local, Provincial and Central Governments. In regard to this matter again, we have had in various parts of the country municipal and local conferences which have demanded that there should be a readjustment of the financial relations between the local authorities and Provincial Governments more or less on the lines of the inquiry which is periodically undertaken in the United Kingdom. Honourable Members are aware that in regard to local taxation in the United Kingdom, beginning from the time of Mr. Goschen and ending with the departmental committee on Local Taxation in 1914 and of 1919, the whole subject of the classification of the services rendered by local authorities has come periodically under examination and the financial adjustment required to discharge those functions has always taken place. For example, in the matter of compulsory elementary education, which is regarded as a semi-national service in the United Kingdom, and for various other services which are classified as semi-national, the Central Government has always found some way of rendering them financial assistance to carry out those services which are placed within the purview of local bodies. Sir, since 1882, when Lord Ripon's scheme of Local self-Government was introduced, this financial adjustment has not taken place. Duties have been cast on local bodies and from time to time, in order to discharge those duties, doles have been given either by the Government of India or the Local Governments to these local bodies. In some provinces the Local Governments appointed committees to inquire into this question and in Madras there was a Committee known as the Financial Relations Committee just before the reforms for the purpose of deciding this very vital question of financial adjustment between the local bodies and the Provincial Governments. I was a member of that Committee and we sat for a whole year and made comprehensive recommendations which, as is usual in Madras, were held up for want of funds. For this inaction the Honourable the Finance Member and the Government of India are mainly responsible. The terms of reference raise the question, whether the whole scheme of taxation between the Central, Provincial and local bodies is equitable and in accordance with economic principles. Sir, so much for the local bodies.

Then, as regards the provinces, Honourable Members are aware that just before the introduction of the reform scheme, a settlement, known as the Meston settlement, was introduced. Most of the provinces have rebelled against that settlement. They contended that it contained no basic principle, that it proceeded mainly upon practically the past expenditure of the provinces and that the decision of Lord Meston's Committee was not based on any principle of taxation relating to the Provincial and Central Governments. We have therefore been asking for a re-examination of the basic prineiples of the Meston award and it is one of the objects of the second term of reference to bring about a more equitable arrangement between the Provincial and Central Governments. Sir, I am afraid that during the short time at my disposal it is not possible for me to examine or even briefly to set out what I have to say on this most complicated subject of the relations between the Provincial and Central Governments. I am in entire agreement with the Finance Member that the inquiry which is proposed to be undertaken in the terms of reference to this Committee should be undertaken either by this Committee or any other Committee that may be appointed, and

[Diwan Bahadur M. Ramachandra Rao.]

I do not wish that the matters, which are set out in the terms of reference, should be dropped.

Sir, there is only one other matter to which I would make a brief reference, and that is the question of the economic inquiry in regard to which a good deal of criticism has already been heard in this House. The point that has always been troubling us is not the question of going back centuries for comparison, as my friend Mr. Chatterjee has put it. The point on which we should like to have an inquiry is as to what really is the present material and economic condition of our people. In regard to this matter also, I might refer to recent literature of a most interesting character which has made many people think about the whole question. Perhaps my Honourable friend Mr. Chatterjee is aware of a book by Mr. Jack, one of the experienced settlement officers in Bengal, who brought under review the economic life of the district of Faridpur. I do not wish to refer to his conclusions at any length, but after reviewing the economic history of the district, Mr. Jack examined a number of domestic budgets ; we have heard a great deal about domestic budgets of the Members of the Services in connection with the Lee Commission ; Mr. Jack examined the domestic budgets of the very poorest of the poor. After examining the domestic budgets, he came to conclusions which, if perused by Honourable Members, would leave them in a very uncomfortable frame of mind. Mr. Jack says that the percentage of population free from debt according to his calculation is 55 per cent. of the total population of the district. He also arrived at the following conclusions :. In debt for about one-fourth of the annual income, 24 per cent. ; in debt for half the annual income, 13 per cent. He worked out the average annual incomes of different classes of people in that district which are as follows :

	Per annum per head of population.
	Rs.
In comfort	65
Below comfort	43
Above want	32
In want	26

These are the figures which Mr. Jack has compiled after considerable trouble.

The Honourable Mr. A. C. Chatterjee : May I ask the Honourable Member to mention the date of those investigations ?

Diwan Bahadur M. Ramachandra Rao : This one ? 1910 I think, Sir. It is not a pre-historic period. The book was published in 1916.

The Honourable Mr. A. C. Chatterjee : May I ask the Honourable Member to state whether the value of the rupee has decreased or increased since then ?

Diwan Bahadur M. Ramachandra Rao : The class of persons with which I am now dealing do not always look to the exchange. It may be that members of the Indian Civil Service have always an eye upon the rise and fall of the exchange. Then, again, I may also refer to the question of food problem, and to the conclusions recently arrived at by

an investigator, Mr. Dubey, one of the University Professors of Economics in the United Provinces. I do not wish to refer to the conclusions of Mr. Dubey at any length, but in regard to the food problem he concludes a most interesting article in the following terms :

"From the above study we are forced to the conclusion that even in the best year from an agricultural point of view (*i.e.*, 1916-17), and even with restricted exports of food-grains to foreign countries due to the war, so many as 160 millions of people in that year were in a position to get only 79 per cent. of the coarsest kind of food-grains to maintain them in health and strength ; and in a famine year (1913-14) the percentage fell to such a low figure as 62. Taking an average of all the seven years, it will be seen that 64.6 per cent. of the population lives always on insufficient food, getting only about 73 per cent. of the minimum requirement for maintaining efficiency. In other words, it clearly shows that two-thirds of the population always get only three-fourths of the amount of food-grains they should have."

Sir, at this late hour I do not wish to detain the House with any more remarks. I believe that the prejudice which has arisen in regard to this Taxation Inquiry Committee is mainly due to the fact that the Government of India did not contemplate, or at any rate did not make it quite clear that the inquiry which they have in mind is a comprehensive inquiry both in regard to the income as well as the taxable capacity of the people. I do not wish to go into a discussion on other matters, such as, the personnel of the Committee. I am not quite clear in my mind whether we are right in unnecessarily criticising the personnel of any Committee, but I do hope that the Honourable the Finance Member will recognise that, so long as he is not responsible to this House, the personnel has to be settled in consultation with this House.

Mr. M. A. Jinnah (Bombay City : Muhammadan Urban) : The only justification for my intervening in this debate is that I desire to place before the House with the consent of the House an amendment which I submit is a most comprehensive amendment. With your permission, Sir, I will first read out my amendment :

"This Assembly recommends to the Governor General in Council that he be pleased immediately to dissolve the present Taxation Inquiry Committee and appoint instead a Committee of non-officials and experts, in consultation with the leaders of the parties in the Legislative Assembly, to institute a thorough inquiry into and report on the following matters (with power to them to make an *ad interim* report) :

1. The economic condition of the various classes of the people of India ;
2. Their income per head ;
3. Their capacity to bear the existing burden of taxation (including land revenue) ;
4. The general resources of the country ;
5. The manner in which the burden of taxation is distributed at present between the different classes of the population ;
6. Whether the whole scheme of taxation—central, provincial and local,—is equitable and in accordance with economic principles ; if not, in which respects it is defective ;
7. The suitability of alternative sources of taxation without increasing the present level ;
8. The machinery required for the imposition, assessment, and collection of the taxes, old and new ; and
9. The general financial and economic effects of the proposals."

Now, Sir, first of all, we, on this side of the House, are absolutely definite that the present Taxation Committee should be dissolved. It is said, and I think even the Honourable the Finance Member will not dispute it, that if this House, now that this question has been raised in this House, and as it is placed before us now, allows the Committee which is

[Mr. M. A. Jinnah.]

called the Taxation Inquiry Committee to continue the implication will be that this House favours the idea of new taxes being imposed upon the people of this country. (*A Voice* : "No.") Otherwise, there is no meaning. If this Committee recommends and says, "Here are the new sources of taxation which can be tapped for the purpose of further taxation," the Honourable the Finance Member will then come before this House and say: "Here is a Committee which has investigated the whole question. It has made these investigations, and now we have discovered these new sources of taxation. We shall now proceed to tap them." That is a very objectionable position that the Government have taken up. Therefore, Sir, what we say is this. First let there be a thorough general inquiry ; we have added other matters which will be the subject of inquiry and investigation also by this Committee. Some matters may be taken up immediately, and those are not merely to find out new sources of taxation. One item which I shall mention is this, "whether the whole scheme of taxation, central, provincial and local, is equitable and in accordance with the economic principles ; if not, in which respects it is defective." That is part of the reference to the Taxation Committee. That is a subject which may require immediate attention, particularly in view of the fact that with regard to the contributions that the provinces make there is a general all-round complaint. Well, for that purpose we say : "When you appoint this Committee which we are now recommending, let that Committee take up that particular matter, or any other matter comprised in this amendment, and if they deem it proper, let them make an *ad interim* report for the Government to take steps on those recommendations. But no further taxation, that is, to say, the present level of taxation should not be increased until we have had general thorough inquiry into the economic condition of the people of this country."

Now, Sir, I cannot understand how the Government can object to it, The Government themselves desire this inquiry. My friend Mr. Chatterjee and the Finance Member say, "We desire it. We have been doing our best. We are as anxious to proceed with the general inquiry as you are." Well, that will take some time. It may take a year, two years or three years, but surely you can appoint this Committee as soon as possible. Let this Committee proceed with those matters which require immediate attention. Let them make an *ad interim* report and let them continue with the rest of the inquiry. I therefore do not wish to take up any further time of this House. We feel that this is a proposal that the Government should accept.

Mr. President: For the purposes of the record, and to simplify matters, I should like to ascertain from the original Mover of the Resolution and from Mr. Goswami whether the amendment just now proposed by Mr. Jinnah meets their views and whether they are prepared to withdraw in its favour.

Mr. T. C. Goswami (Calcutta Suburbs : Non-Muhammadan Urban) : I accept Mr. Jinnah's motion. Is that what you want me to do? (*A Voice* : "Yes.") I think it meets the wishes of those who are for a clear cut which is provided for in the word "dissolve" and I am quite agreeable to the more explicit Resolution of Mr. Jinnah.

Mr. President: Is it your pleasure that Mr. Goswami's amendment be withdrawn?

The amendment was, by leave of the Assembly, withdrawn.

The Honourable Sir Basil Blackett: I rise to ask for your ruling. I do not wish to make more than one speech this afternoon and I do not wish to lose my right of finally winding up on behalf of Government. I rise therefore to ask whether you propose to call on the original Mover and then give me my right of reply in the event of the closure being moved.

Mr. President: In the event of the closure being moved, I propose to treat Mr. Jinnah's amendment as an amendment to Mr. Rama Aiyangar's original Resolution, whatever Mr. Rama Aiyangar chooses to do in relation to the proposals now made by Mr. Jinnah. That will leave the Finance Member his final right of reply.

Mr. C. Duraiswami Aiyangar: May I ask for a ruling from the Chair? I have given notice of an amendment which I intended to propose. I want to know whether I have the right to move that amendment or not.

Mr. President: The Honourable Member's amendment is covered, except perhaps in one part, by the more comprehensive amendment of Mr. Jinnah. I was led to understand that the amendment proposed by Mr. Jinnah represented the consensus of opinion on my left, not necessarily the opinion of every individual member, but a sufficient consensus of opinion to justify the Chair in taking it as a substantive alternative.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhammadan Urban): The statement that the amendment represents the consensus of any part of the House is to be taken with reservation and I am prepared to move a slight amendment to the amendment which has been handed to the Chair by my friend Mr. Jinnah. Upon my amendment I claim there is a consensus in this House. It is this. Where my friend Mr. Jinnah says that the Committee is to be appointed in consultation with the leaders of the House, I wish to substitute that the Committee should be appointed by the House. On that point I would refer to the proposal contained in Mr. Goswami's amendment, that is to say, that one-third was to be appointed by the Government and two-thirds appointed by the House. As Mr. Goswami explained in the course of his speech the idea was that there should be one-third of the Members of this Committee which was to consist of experts and two-thirds of persons who had the confidence of the country. That met the objection which was advanced from the Government benches as to the special technical knowledge required for the members of this Committee. I do not think, Sir, that this House will allow any Committee to be appointed in the appointment of which it has no voice, it may be one-third or two-thirds or a smaller proportion of the full Committee. I do not know if my friend Mr. Jinnah is now prepared to accept it but so far as I have been able to gather from the preliminary conversation we had, he and I have, I think, agreed to differ on this point. I do not see why I should concede that point unless it is the wish of the House that I should do so and I therefore beg you, Sir (I do not want to make a speech), to put this proposition to the House.

The Honourable Sir Alexander Muddiman (Home Member) : Before you put this proposition to the House I should like to make two points. The first is that it is entirely unconstitutional for the Legislature to appoint an executive Committee, as I understand my Honourable friend's proposal is that this House should elect a Committee to carry out the duties which are proposed. The second point is that this Committee is to inquire into all forms of taxation, central, local and municipal. Therefore the Central Legislature is going to force this on the Committee without consulting the Local Governments and the other parties concerned. Such a proposition cannot find favour with those who are advocates, in any form, of provincial autonomy. I do beg the House to consider these points. I do not want to make a speech but I desire to bring these two points forward for the consideration of the House.

Mr. President : I have not the terms of the amendment of Pandit Motilal Nehru before me and therefore I do not precisely know whether they would fit in with the terms of Mr. Jinnah's amendment. Mr. Jinnah's amendment, the House will observe, explicitly invites or recommends to the Governor General in Council to appoint the Committee.

Pandit Motilal Nehru : My amendment is that the Governor General in Council should appoint one-third experts and this House will appoint two-thirds. I have not got a copy of Mr. Jinnah's amendment with me.

Mr. C. Duraiswami Aiyangar : It is to avoid these difficulties that I framed my amendment. Both sides of the House might agree to a proposal of the kind that I have embodied in my amendment.

Mr. President : The proposal which Pandit Motilal Nehru has just read out before the House is actually contained in Mr. Goswami's amendment.

Pandit Motilal Nehru : With the amplification contained in Mr. Jinnah's amendment.

Mr. President : The point at issue I understand between Pandit Motilal Nehru and Mr. Jinnah is the manner of appointment of the personnel, not the scope of the inquiry. (*A Voice* : "No".) Well, the manner of the appointment of the Committee was contained in Mr. Goswami's amendment which has been withdrawn and cannot be moved again. I understood that Mr. Jinnah's amendment was the result of an arrangement between the parties and sections of parties on my left. Apparently it was not so. In that case Mr. Goswami was acting without his book, in withdrawing his amendment !

The Honourable Sir Alexander Muddiman : I move, Sir, that the question by now put.

Mr. President : The question is :

"That the question be now put."

The motion was adopted.

Mr. K. Rama Aiyangar (Madura and Ramnad *cum* Tinnevelly : Non-Muhammadan Rural) : At the commencement of my opening speech I spent a considerable portion of my time in, as I thought, pinning the Finance Member down to previous statements made on behalf of Government by Mr. McWatters and himself and by the Honourable Sir

Narasimha Sarma. But in his reply he has taken up that question and has referred to a speech of the Honourable Mr. Lalubhai Samaldas which he indicated showed that even in the Council of State remarks were made against my proposal. No doubt there is a good deal of difference between a Government Member making statements as representing the Government and other Members making remarks in the course of a discussion. But taking those remarks, it will be clear that the Government accepted the proposal that this inquiry by the Taxation Committee should cover practically the whole ground, and in fact the Honourable Sir Narasimha Sarma said that it may not be necessary to make any further investigation in one contingency. That being the position, the Honourable Sir Basil Blackett in utilising the grant sanctioned for the purpose by the Assembly, as he said, was not entitled to go behind the statements made on behalf of Government. And if, as explained by the Honourable Mr. Lloyd, certain adjustments had to be made between the Local Governments and the Central Government, as I pointed out in the course of my opening speech, that would have been best made by the Honourable Sir Basil Blackett and the officers of the Finance Department sitting together with the finance officers of the various Governments. The whole thing would have been set at rest so far as this Taxation Committee business went as regards adjustments of incidence of taxation between this Government and the other governing bodies. On the other hand, if it was the intention, as it clearly was during the course of the Resolutions discussed in the Council of State, to have the economic condition of the people also examined, as well as their taxable capacity and the burden of taxation on particular sections of the people—in fact almost all the points I wish to have an inquiry into—my submission is that there is no reason why Government should not accept my Resolution and make a full inquiry once for all. Under the method adopted by the Government it is not only a question of duplicating expenditure, but it is a matter, as pointed out by Mr. Patel, of putting the cart before the horse. The investigation as to the materials must first of all be completed before the question of taxation or incidence of taxation can be examined and settled as between the several governing bodies. In fact, as I said in the course of my opening speech, I did not read that particular passage from the reply of the Honourable Sir Basil Blackett to the Chamber of Commerce in Bombay where he said that since he had landed in India his first task was to make the budget balance. That was his great trouble, and he wanted fresh sources of taxation to make the budget balance. That is what he said there. I did not read that passage but read other passages to indicate that the balancing of the budget had become almost a personal matter with him. As I explained before, the terms of reference of this Committee as also the personnel have been disappointing. He himself has in fact also been disappointed. He mentioned it openly in Bombay. I think the proper thing for the Assembly to do is to insist upon the carrying out of the views expressed before the Council of State during the discussions I have referred to and to add to them as I suggest. Therefore, as the Assembly sanctioned a grant on the understanding that the inquiry was going to be an almost complete economic inquiry—with the exception of some minor points which the Honourable Sir Narasimha Sarma pointed out could be dealt with later—in putting forward my Resolution I naturally impressed that point upon the attention of the Government, so that they may agree to the Resolution that I moved. The points of difference were very small when the Government accepted the

[Mr. K. Rama Aiyangar.]

Resolution of Sir Maneckjee Dadabhoy. All that indicated only one thing. And I submit that the Honourable Sir Basil Blackett in referring to this Assembly stultifying itself has not been quite accurate at all. My idea is that the Assembly will stultify itself if it does not bring home to the Government the view they took at the time these discussions took place in the Council of State. And it was on that understanding, if at all, that this money was allotted without a discussion at great length ; because if was clearly understood that we were going to have almost the whole inquiry. And all that is now put forward is the urgency of consulting other Local Governments. But as the Reform Act stands, practically the complete control of the whole business rests with the Secretary of State and the Government of India. And what is this Committee to do ? Why should they be roving round for months or years ? We do not know what time it will take, two lakhs have already been granted for one year, and they might expect to require more. And what are we going to get from a Taxation Committee whose personnel has been commented upon as unsatisfactory, when the Meston award and the whole of the land revenue incidence is excluded from its inquiry. (*A Voice* : "No."). Now, of course, the proposition is different, but the reference explained that for certain purposes the incidence of land revenue is excluded ; and if the whole of the Meston award is excluded, what are they going to do ? And what, if, as has been pointed out by Mr. MacWatters, one revenue or other such as "Excise" or "Forests" is lost to a Local Government and it is not open to the Committee to examine and find other revenue ? Suppose the drink or forest revenue is lost to one province. How are they going to adjust it ? What is the use of making a half-hearted inquiry like that and spending a lot of money and having a personnel which really cannot go into the whole matter authoritatively and with competence. I think in all cases the Government claim that experts advised them, and therefore they could not go behind them in spite of opposition from this side,—that experts, they always thought, had to be respected. But we should be glad if we had the experts that we expect to have in a Committee like this, and our position has been explained. All that I say therefore is that the question comes to this. The position taken originally by the Government was that there would then be practically a whole inquiry ; as we wanted this expanded. In the view which has been put forward by Sir Basil Blackett, I should think this Committee ought not at all to be allowed to continue. That Committee's work might of course well be done by the Government of India and the Financial Members of the Provinces over whom they have for purposes of supervision complete control. They can adjust matters as they like and that would probably not be a matter in which any fresh taxation would have to be sanctioned by the Assembly ; and if no fresh taxation is to be sanctioned, an inquiry of the half-hearted nature put forward will not at all be satisfactory to the Assembly, and they therefore now ask for a complete examination of the whole position. That is where we stand, and I therefore am very glad to accept Mr. Jinnah's amendment to mine even though my original proposition contained certain clauses which are now cut out. As I pointed out at the commencement therefore, I submit, Sir, that taking every view into consideration it will not be proper for the Finance Member to expend money under the sanction that was accorded by the Assembly to the general grant in the course of the passing of the Budget. And of course it might be said, "here are persons who have been

announced, and all that". Certainly I for my part—that is my individual view that I express—for my part I should not mind it if these gentlemen that have been appointed sit together in Simla and Delhi and get on with the whole question as best they can and consider the incidence and so forth, and for that purpose they may certainly be employed for a certain time, but to allow them to go about the country, examine things in the villages and so forth, that will simply be out of the question, and the expenditure will not be allowable under the sanction given by the Assembly but under any extraordinary power Government might exercise in matters of this kind. I therefore accept the solution proposed by Mr. Jinnah and I hope that the Government will also accept it, so that the whole thing might be done satisfactorily and to the best interests of the masses of this country, whose cause it is always said Government have so much at heart.

The Honourable Sir Basil Blackett: Sir, this discussion over two days has ranged over such a variety of topics that I am afraid it will be difficult for me in the short time which you will allow me or which I desire to allow myself to go over a great part of the area that has been covered in the debate. With regard to the Honourable Mover, I despair of persuading him to understand something that he does not want to understaud. He makes the statement again that the terms of reference which the Government originally had in mind were something quite different from what the Government now have in mind. The terms of reference as they now stand were announced in the Council of State on the 4th February, and they were announced in this House in answer to a question on the 18th February. It was a Committee with those terms of reference that was approved by the Standing Finance Committee, and it was money for a Committee with those terms of reference that was voted by this House. For this House now to say that they did not vote money for this Committee is, I think, quite out of the question.

The subjects, Sir, that have come up for discussion are many and various. I will take first of all the Taxation Committee, its personnel and its terms of reference. I do not want to say much about the personnel. It has just been stated that in Bombay in a speech I made there I expressed the view that the personnel was unsatisfactory. I did not. I expressed the view in Bombay that I had been a little unfortunate in certain instances in connection with the selection of the personnel, but that is quite a different thing. I agree with the Honourable Mr. Joshi that it is possible to pick holes in the personnel of any Committee but that this is probably a better Committee than you would have got by election in this House. (*Some Voices*: "No, no.") Who are the Members of this Committee? There is first of all the Chairman who has very wide experience in the machinery of taxation and has been for several years the Finance Member in the Madras Government since the introduction of the reforms. Two other members of the Committee have been either Ministers or Members of Executive Councils of Provincial Governments since the introduction of the reforms. They have very wide knowledge of the administrative difficulties, in particular where the shoe pinches a Minister who wants money to spend on education, and they have considerable experience of the day to day work of Governments under the reforms and of their relations with each other.

Mr. Jamnadas M. Mehta (Bombay Northern Division: Non-Muhammadan Rural): Did not the Honourable Member say in Bombay that he was unfortunate in the selection of the Committee?

The Honourable Sir Basil Blackett : The Honourable Member has nearly had two days in which to make a speech if he desired to do so ; I really cannot consent to be interrupted now. I have got the speech in front of me and will show it to the Honourable Member afterwards if he wishes. The personnel I will leave with this one further remark, that I think it is very undesirable that in this House we should throw cold water on the personnel of any such Committee even on our friend, Dr. Paranjpye. I could not help feeling when Mr. Patel began to talk about the qualifications of this and that and the other of his friends for membership of this Committee that I sympathised with the prayer which I am sure must often be in the mind of his leader, " save me from my friend, Patel ". The terms of reference were those drawn up by the Finance Members of the Provinces in consultation. There is one phrase in the terms of reference proposed by Mr. Jinnah, though I am afraid it is a little too late to incorporate it in the terms of reference as they have already been announced for some time, which is I think an improvement. I should be very glad to accept that portion. It is the part about the suitability of alternative sources of taxtaion " without increasing the present level." I should have been very glad to have thought of those words at the time. I will now have them incorporated in the instructions to the Committee, and I hope that will bring home to Honourable Members that there is no ground for this suspicion that the Government, in spite of their very definite statement to the contrary, desire this Committee with no other idea but that of increasing the total expenditure of the country or the total amount raised by taxation. They desire it for the very purpose which Mr. Joshi said, that the incidence of the existing taxation may be examined, and if it falls too heavily in one direction, it may be lightened, with the consequence probably that it would have to be increased if it falls too lightly in another direction. It is a question of expenditure whether it will have to be increased correspondingly in the other direction or not, but there is no desire whatsoever in connection with this Committee to find new sources of taxation in order to raise a larger amount by taxation. The object is readjustment. The purpose of the Committee is to reconsider our existing system of taxation and see whether it is capable of improvement both in its incidence and in its machinery. The Honourable Pandit Madan Mohan Malaviya said that we have raised 40 to 50 crores of additional taxation in the last—I forget how many years—and therefore we do not want a Taxation Committee. I would like to ask him one or two questions. Does he know any other country in the world which has been deeply concerned in the world war which has not increased its taxation, both quantitively and proportionately, more than India has ?

Pandit Madan Mohan Malaviya : Has not taxation been reduced in England during the last two years ?

The Honourable Sir Basil Blackett : Taxation has been reduced during the last two years but if you compare the total taxation in England before the war and the total taxation after the war you will find that the increase has been very much greater both quantitively and proportionately, than it has been in India. The Honourable Member might be reminded too that taxation has been reduced in India also this year, though that is perhaps a controversial subject. The Honourable Pandit also went further and he said that I was usurping the functions of this House. Now the functions of this House are very clearly to vote this expenditure and

it was not till the House had voted this expenditure that the Government ventured to proceed with the appointment of the Committee ; so I cannot see how in that direction I am usurping the functions of this House. In choosing the personnel of this Committee the Executive acted, as I think nearly all Executives act, in accordance with their proper functions by selecting the personnel after consultation with those who are likely best to be able to suggest a personnel. The leaders of parties in this House might be a little difficult to find always and I do not think it is a phrase that the Government would like to see enshrined in a Resolution of the House.

Mr. M. A. Jinnah : I am quite willing to withdraw that part if the Government will give us an assurance to that effect as is the practice in other Parliaments.

The Honourable Sir Basil Blackett : I do not think the Honourable Member has much justification for saying that it is the practice in other Parliaments to consult leaders of the House in regard to personnel of executive Committees. But as Government are unfortunately not able to accept the Resolution as a whole we need not perhaps dispute about that point, though I am sure I shall be glad to see the Honourable Pandit Motilal Nehru in the same lobby with us owing to his objection to this portion of the Resolution.

Mr. M. A. Jinnah : That hope is not going to be realised.

The Honourable Sir Basil Blackett : The personnel of this Committee was selected, as inevitably must be in the case of an All-India Committee of this sort, in close consultation with Provincial Governments.

Then another subject that has been raised is federal finance. As far as I understood Mr. Rangaswami Iyengar, he objected to our discussing the subject of federal finance because of King Charles's head—that is to say, we must not do anything until self-government has been introduced in the form in which he desires. I would suggest to him that if he wants the right sort of constitution drawn up by a round table conference or whatever other body is going to draw it up, they would be very well advised to have the results of an expert inquiry into the taxation system—central, provincial and municipal—before them when they are drawing up their constitution ; and indeed if I may venture the observation, the interesting discussion we have had for two days has impressed upon me one lesson and that is, that it is extraordinarily desirable that this House should have before it an authoritative and expert Committee's report on taxation in order that it may discuss the subject of taxation intelligently.

Let me now pass to the economic inquiry. It has appeared to me in the speeches that have been made that it is assumed that the Government have an objection to an economic inquiry. Mr. Patel thought that we had a strong objection to it. Personally, if I may speak for myself, I think that a really authoritative inquiry into economic conditions in India is one of the great desiderata. I should hope that it would have great results. I should hope that it would enable constructive plans to be built upon the foundations of an authoritative inquiry for improved medical, sanitary, and educational facilities for the people. In particular I lay stress on education. One of the deepest roots of the poverty of the masses in this country is that they have not had sufficient education to make

[Sir Basil Blackett.]

them ambitious for a better life and willing to work harder and longer in order to get it. I do not want to be controversal but in the book from which Mr. Willson quoted this morning, almost immediately after the passage he quoted and referring to the same village, is this passage :

"If the land is extraordinarily productive, labour is extraordinarily unproductive. From a comparison of results in reaping and ploughing it might be estimated roughly that a week's work by a raiyat or cooly in the Madras Presidency is about equal to a day's work by a British agricultural labourer, if unaided by machinery.

* * * * * * * *

This comparison is not quite fair to the Indian worker, as he would doubtless be more expeditious over ploughing and reaping if it were necessary, but the fact remains that the Indian worker earns very low wages, has a very low standard of expenditure, and attains a very low level of efficiency, and these three characteristics of Indian life are so interconnected that it is impossible to say which is cause rather than effect. Indian employers do not believe in the economy of high wages ; and as yet only faint beginnings of trade unionism are to be found among Indian manual workers. Nor does Indian popular religion, which fosters submission, nor popular philosophy which inculcates the art of abstinence, encourage a revolt against the prevailing conditions. ..... In fact various strands of economic, social and religious conditions and customs are strangely and deftly interwoven in the web of South Indian life, and low wages, low efficiency and high abstinence are the ground plan of the pattern."

My belief is that it is education and more education which is the weapon with which all that is to be combatted. That could not result directly from the economic inquiry but the economic inquiry would I think reinforce the truth of that observation. The economic inquiry might also teach us the value of agricultural and technical education, the need for an extension of co-operative credit, for improved irrigation, better use of the underground waters of India, and things of that sort. Now what has all that got to do with taxation ? The fact is that these two subjects—the taxation inquiry and the economic inquiry—touch each other on the fringe of the same general subject, the economic condition of the people of India, but are only very partially interconnected. The taxation inquiry is required for our constitutional progress and in order that the Governments, including the municipal as well as the Provincial Governments and the Central Government,—the Governments of India may raise the money which they require for carrying on the services which they carry on by better machinery and at less cost to the tax-payer than I believe in certain cases they do at present. That being so the taxation inquiry must undoubtedly to a limited degree go into the general question of the economic condition of the people of India. In the terms of reference and in the Government of India's Resolution on the subject, every effort was made to indicate the limits to which that economic inquiry for the purpose of the taxation inquiry should extend in order that the taxation inquiry might not have a roving commission which might take years and might spend itself in wasted labour but a definite commission to make an economic inquiry with reference to the incidence of taxation, in so far as that economic inquiry was necessary for the purposes of the taxation inquiry. Quite independent of that is the general economic inquiry which, as I have said, the Government do not at all desire to oppose. They are doubtful as to whether it can properly be undertaken by a Central Government Committee.

Certainly it ought not to be undertaken by a Committee appointed by this House if it is to inquire into the economic conditions in each of the Provinces. I am inclined to agree that some kind of co-ordinating machinery set up by the Central Government might be desirable for the purpose of the conduct of this inquiry, but if it is to be effective it must be decentralised to a certain extent. The Government will await the replies of the remainder of the Local Governments which have not yet answered. In accordance with the Resolution accepted by the Government in the Council of State on the 4th February and in the light of the discussion which they have heard to-day they will I am sure be encouraged to press the Local Governments to agree to co-operate in some kind of co-ordinated inquiry into the economic condition of India. But there is no reason why for that purpose the proposed Taxation Committee should be dissolved. On the contrary, if that economic inquiry is to be fruitful in its results, the inquiry by the Taxation Committee will be a very relevant and important point in the conduct of the economic inquiry. It was pointed out, was quite rightly pointed out, by my Honourable friend Pandit Madan Mohan Malaviya that taxation is the function of the Legislature. Certainly; but does not the Legislature require some kind of expert advice in considering questions of taxation? There is no proposal that this Committee should be appointed and thereupon, in view of his special capacity to bear taxation decide that the income-tax of Pandit Madan Mohan Malaviya should be doubled. This Committee is not going to do any executive work; it is going to make proposals for improving the existing system of taxation; its proposals will be available to the Central Legislature and to the Provincial Legislatures when they come to discuss questions of taxation. I for one know that my own examination of taxation questions in India will be very much better conducted when I have the report of an expert inquiry of this sort before me than it can be at present, when, with the exception of the gentlemen who have recently been appointed to the Central Board of Revenue there is literally in the Government of India no one who has made an expert study of the subject of taxation. I therefore confidently appeal to the House not to accept this revised amendment of the original motion, but to allow the Taxation Committee to proceed on its labours in accordance with the decision arrived at by this Assembly last March, and to co-operate with the Government of India and with the Local Governments in seeing that a suitable programme is drawn up for conducting this economic inquiry on the desirability of which we are all apparently agreed.

Pandit Motilal Nehru: May I rise to a point of explanation? I am told that in my absence the Honourable the Finance Member was pleased to express a hope that he would find me in the Government lobby. I want to make my position quite clear. The amendment which was moved by Mr. Jinnah had my full concurrence and acceptance, except as to one little part; and if I had been allowed to put it I should have liked to take the decision of the House; but Mr. Jinnah's amendment is the next best thing to what I wanted and I am afraid therefore my Honourable friend will not have the pleasure of seeing me in the Government lobby.

The Honourable Sir Basil Blackett: May I say, Sir, that I am disappointed but not surprised?

Mr. President : The original question was :

"This Assembly recommends to the Governor General in Council that he be pleased to suspend the Taxation Inquiry Committee and to appoint a Committee in its place for a close inquiry into the general conditions of economic life and labour in reference to the resources of the country and an estimate of the national income."

Since which an amendment has been moved to substitute the following:

"This Assembly recommends to the Governor General in Council that he be pleased immediately to dissolve the present Taxation Inquiry Committee and appoint instead a Committee of non-officials and experts, in consultation with the leaders of the parties in the Legislative Assembly, to institute a thorough inquiry into and report on the following matters (with power to them to make an *ad interim* report) :

(1) The economic condition of the various classes of the people of India ;

(2) Their income per head ;

(3) Their capacity to bear the existing burden of taxation (including land revenue) ;

(4) The general resources of the country ;

(5) The manner in which the burden of taxation is distributed at present between the different classes of the population ;

(6) Whether the whole scheme of taxation—central, provincial and local—is equitable and in accordance with economic principles ; if not, in which respects it is defective ;

(7) The suitability of alternative sources of taxation without increasing the present level ;

(8) The machinery required for the imposition, assessment, and collection of taxes, old and new ;

(9) The general financial and economic effects of the proposals."

The question is that the Resolution, as amended, be adopted.

The Assembly divided :

AYES—60.

Abdul Karim, Khwaja.
Abhyankar, Mr. M. V.
Acharya, Mr. M. K.
Aiyangar, Mr. C. Duraiswami.
Aiyangar, Mr. K. Rama.
Alimuzzaman Chowdhry, Mr.
Aney, Mr. M. S.
Badi-uz-Zaman, Maulvi.
Belvi, Mr. D. V.
Chaman Lall, Mr.
Chanda, Mr. Kamini Kumar.
Das, Mr. Bhubanananda.
Das, Mr. Nilakantha.
Duni Chand, Lala.
Ghazanfar Ali Khan, Raja.
Goswami, Mr. T. C.
Gour, Dr. H. S.
Hans Raj, Lala.
Ismail Khan, Mr.
Iyengar, Mr. A. Rangaswami.
Jinnah, Mr. M. A.
Kasturbhai Lalbhai, Mr.
Kazim Ali, Shaikh-e-Chatgam, Maulvi Muhammad.
Kelkar, Mr. N. C.
Lohokare, Dr. K. G.
Mahmood Schamnad Sahib Bahadur, Mr.
Makan, Mr. M. E.
Malaviya, Pandit Krishna Kant.
Mehta, Mr. Jamnadas M.
Misra, Pandit Shambhu Dayal.
Misra, Pandit Harkaran Nath.
Murtuza Sahib Bahadur, Maulvi Sayad.
Mutalik, Sardar V. N.
Nambiyar, Mr. K. K.
Narain Dass, Mr.
Nehru, Dr. Kishenlal.
Nehru, Pandit Motilal.
Nehru, Pandit Shamlal.
Neogy, Mr. K. C.
Patel, Mr. V. J.
Piyare Lal, Lala.
Purshotamdas Thakurdas, Sir.
Ramachandra Rao, Diwan Bahadur M.
Rajan Baksh Shah, Khan Bahadur Makhdum Syed.
Rangachariar, Diwan Bahadur T.

AYES—60.—*contd.*

Ranga Iyer, Mr. C. S.
Ray, Mr. Kumar Sankar.
Reddi, Mr. K. Venkataramana.
Samiullah Khan, Mr. M.
Sarda, Rai Sahib M. Harbilas.
Sarfaraz Hussain Khan, Khan Bahadur.
Shafee, Maulvi Mohammad.
Shams-uz-Zoha, Khan Bahadur M.
Singh, Mr. Gaya Prasad.
Sinha, Mr. Ambika Prasad.
Sinha, Kumar Ganganand.
Tok Kyi, Maung.
Venkatapátiraju, Mr. B.
Vishindas, Mr. Harchandrai.
Yusuf Imam, Mr. M.

NOES—42.

Abul Kasem, Maulvi.
Ahmad Ali Khan, Mr.
Akram Hussain, Prince A. M. M.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Burdon, Mr. E.
Calvert, Mr. H.
Chalmers, Mr. T. A.
Chatterjee, The Honourable Mr. A. C.
Cocke, Mr. H. G.
Crawford, Colonel J. D.
Dalal, Sardar B. A.
Datta, Dr. S. K.
Duval, Mr. H. P.
Fleming, Mr. E. G.
Gidney, Lieut.-Col. H. A. J.
Hezlett, Mr. J.
Hindley, Mr. C. D. M.
Hira Singh, Sardar Bahadur Captain.
Holme, Mr. H. E.
Hudson, Mr. W. F.
Hussanally, Khan Bahadur W. M.
Hyder, Dr. L. K.
Innes, The Honourable Sir Charles.
Joshi, Mr. N. M.
Lindsay, Mr. Darcy.
Lloyd, Mr. A. H.
Muddiman, The Honourable Sir Alexander.
Muhammad Ismail, Khan Bahadur Saiyid.
Nag, Mr. G. C.
Naidu, Mr. M. C.
Parsons, Mr. A. A. L.
Raj Narain, Rai Bahadur.
Rushbrook-Williams, Prof. L. F.
Sams, Mr. H. A.
Sastri, Diwan Bahadur C. V. Visvanatha.
Singh, Rai Bahadur S. N.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Tottenham, Mr. G. R. F.
Webb, Mr. M.
Wilson, Mr. R. A.

The motion was adopted.

RESOLUTION *RE* ABOLITION OF THE COTTON EXCISE DUTY—*contd.*

Mr. President : Pandit Madan Mohan Malaviya. The Member is not here. The third Resolution is the resumption of the adjourned debate on the Resolution of Mr. Kasturbhai Lalbhai on the cotton excise, which he originally moved on the 20th of March 1924 in the following terms :

" That this Assembly recommends to the Governor General in Council to take early steps to abolish the cotton excise duty as recommended by a majority of the Indian members on the Indian Fiscal Commission and to be pleased to direct the Tariff Board to further examine the question of protection to the Indian cotton mill industry at an early date."

Mr. Kasturbhai Lalbhai (Ahmedabad Millowners' Association: Indian Commerce): Sir, it is after a comparatively long time that the debate on my Resolution is being resumed and I shall, with your permission, claim the indulgence of the House to touch on the salient features of my case :

" The Indian excise on cotton ", to quote the majority report of the Indian Fiscal Commission, " raises issues which cannot be decided solely

[Mr. Kasturbhai Lalbhai.]

on economic grounds." The past history and the associations of this impost are too well known to need any recapitulation. The cotton excise has a political significance well understood by all concerned and the duty must therefore go as a first earnest of the changed angle of vision in the principles of the Government of India.

The matter has been discussed a good deal in the press and it needs no further proof to show what way the current of public opinion goes or how strongly the public feels in the matter. We have, however, the fact that the Government of India have already more than once accepted the principle of abolition of this duty, both prior to their acceptance of the principles of protection as also subsequent to that. Official memory, Sir, is believed to be short in the redemption of pledges and I may therefore be excused a repetition of the pledges just with a view to refresh the memory. A declaration was made by the Government of Lord Hardinge in 1916. In 1922 the policy underlying the declaration was not only reaffirmed but further the Government Member in charge of the Finance portfolio admitted all the theoretical arguments against the continuance of the duty. He also admitted that it is not a good tax because it is a tax on production and not on profits. He only wanted six months' time to have a scientific readjustment. In 1923 also definite hopes of an early abolition were given. But in 1924—a year of a balanced budget—the question of abolition was brushed aside as beyond the pale of practical considerations. If I were, Sir, pleading my case in a court of law, I would have immediately got judgment in my favour on such admissions of a defendant and the contention of Government would have been ruled out under the well-known legal doctrine of *res judicata*. No court of justice, I believe, would allow an unsuccessful defendant to put off or evade the execution of its decrees.

The duty is also undesirable according to the accepted canons of sound taxation. It is a tax on production and hits particularly inequitably in times of depression. Last year the Bombay mills made losses of 117 lakhs of rupees out of which the excise duty alone was responsible for 100 lakhs. But for this tax to-day we would be able to lower our prices of the poor man's cloth reduce accumulation of stocks and avoid the consequent closing of mills. Past experience has shown that in times of depression the excise tax which adds to his losses induces the manufacturer to close his business to minimise such losses, and that step brings in its train unemployment to poor labourers. It also leaves permanent marks by disorganisation of labour and consequent loss of efficiency. It is a tax on the poor man's necessity. It is a tax on the only industry which can be looked upon as an insurance against famine and its incidence falls unduly heavily on the poor classes of the community.

We may also here pause for a moment and compare the progress made by Japan and America during the past 30 years with the progress made by India. While these countries are supplying the needs of their home population and cater largely for foreign consumers, the Indian textile industry, though growing for the last 60 years with the help of steam and the oldest in the world if we take hand-looms into account, does not meet more than 60 per cent. of India's normal requirements. We have been steadily losing our foreign markets in China, East Africa and other

places. It would not be out of place, Sir, to mention here that just before the advent of British rule in this country, Indian cotton goods used to supply the demand of this country in full and commanded a large export trade throughout the civilised world. These days are no more and though the hand-loom industry is now relied upon as a plank to retain the iniquitous cotton excise impost the exponents of this theory conveniently forget that it was the fiscal policy imposed by Britain on this unhappy land that proved its ruin.

Sir, I may be permitted to assure this House that cotton millowners having spinning departments in their factories are particularly interested in the uplift and the welfare of the indigenous hand-loom industry. It provides a valuable outlet for our surplus yarn which has been shut out from China and Japan. I wish every encouragement to be given to this deserving cottage industry to which the villager is able to devote his leisure hours without being cut off from his home surroundings. But, Sir, has this industry received any consideration from the Government of India so far ? I need only refer to the free list in the Import Tariff Schedule of the Government of India to convince the House of the treatment they give to this industry. Government have been pleased to forego import duty on a number of articles ranging from certain agricultural implements and dairy appliances of the improved type to hops which I imagine are used for the manufacture of beer. Uniforms for Government officials, the cloth of which will bear an excise duty if made in India, comes free of any duty if imported from abroad but I find no mention of hand-looms or their parts in the whole of the tariff. Nay, the House will be surprised to learn that cotton mill machinery parts, which otherwise pay an import duty of 2½ per cent., are charged at the full rate of 15 per cent. if by any chance the customs officer at the port finds that they can possibly be used on a hand-loom even though they may be imported by a cotton millowner. Sir, this plea of the hand-loom is only brought in to retain an unjust impost which cannot be supported on any other ground, moral or economic.

In view of these facts, Sir, I submit very pertinently to ask for the repeal of the cotton excise duty and more pertinently so when we remember that Indian cotton mills have to meet the inroads on our home market by bountyfed foreign competitors. This impost is more acutely felt in times of depression when even a small margin counts in keeping the industry going. As a matter of fact, the excise duty comes to 5 per cent. on the paid-up capital of the mills which every cotton mill is called upon to pay irrespective of profit or loss.

It is a shortsighted policy to stick to the duty only for the present revenue it may bring in. If the Government do not realise the danger of outside competition in its proper perspective, the responsibility for strangling the pioneer industry of the country will rest with the Government. Let the question be therefore not looked at from a narrow view point of the financial need of the hour. I would with all the earnestness I can command appeal to the Government to take a sagacious and farsighted view of the question and apply themselves to the task of adjusting their finances to the abolition of the duty.

Pandit Shamlal Nehru (Meerut Division : Non-Muhammadan Rural): Sir, I rise to support my Honourable friend Mr. Kasturbhai Lalbhai. It is a well known fact that the Indian manufactures in the 18th century

[Pandit Shamlal Nehru.]

were superior to the manufactures of other countries produced by the finest machinery. I do not propose to repeat the well-known reasons, which have been so often repeated in this House, but I only want to give you a few quotations from the speeches and writings of well-known persons and papers. Mr. Romesh Chandra Dutt, whose writings on the subject of Indian economic history probably had the greatest influence in India than that of any other author, remarks :

"India in the eighteenth century was a great manufacturing as well as a great agricultural country and the products of the Indian looms supplied the markets of Asia and of Europe. It is unfortunately true that the East India Company and the British Parliament, following the commercial policy of a hundred years ago, discouraged the import of certain Indian manufactures in the early years of British rule in order to encourage the rising manufactures of England. Their policy was to make India subservient to the industries of Great Britain and to make the Indian people grow raw produce mainly in order to supply material for the looms and manufactories of Great Britain. This policy was pursued with unwavering resolution and with fatal success."

Now, how that success was attained can be gauged from the fact of the number of laws made in England for keeping away the manufactures of this country from England. I will quote only one or two instances. For instance, when the warehousing system came into force in England, the warehousing duties were :

	£	s.	d.
On Muslins, plain ; Nanquin cloths, Muslins, white calicoes, flowered or stitched, per £100 value	7	10	0
(*In addition* 3 per cent.)			
Plain white Calicoes and plain white Dimity, per £100 value	2	10	0
Cotton Manufactures not enumerated, per £100 value ..	2	0	0

In addition to this, the duty for home consumption was :

	£	s.	d.
Calicoes, plain white, for every piece	0	6	8
and besides for every £100 value, the duty was ..	20	19	1
Cotton manufactures, not enumerated, *in addition to other duties*, per £100 value	122	0	0
Dimity, plain white the yard	0	2	0
and besides per £100 value	22	3	6
Muslins, plain ; Nanquin cloths, Muslins, white calicoes, flowered or stitched per £100 value	19	13	9

If you work out the average, I think it will be very much over 100 per cent. for every £100 value of goods received from India. Even this was not successful in England. The wearers wore the Indian cloth only and the sellers always imported the Indian cloth. Later on, there was another law making it penal for anybody, for any inhabitant of England, to wear cloth manufactured in the East Indies, and the penalty was £500 for each offence, for the seller as well as the wearer. This is how the industries of this country were crushed. Again, when machinery was introduced in England on a larger scale, it was necessary to find a market for the products of England. India, as is always the case, was the easiest thing to manage. Unfortunately, there were some people in India who had started their mills and wanted to compete with the British manufacturers. To introduce English goods into India was not so very easy as they had imagined. It was easier to stop the sale of Indian goods in England, but it was not so very easy to compete in India with its cheaper labour and its shrewder *banias* than the English *banias*, and therefore this counter-

vailing duty was put on. Now, Sir, I am not giving my own opinion ; I am only giving you the opinions of a few well-known people as I have said before. Even the *Times* of London on the 5th March 1917 wrote :

"The Indian cotton excise duty has always been politically, economically, and, above all, morally indefensible..... It has made a grave breach in the moral basis of the British control of India. It was deeply resented from the outset and has remained an open sore. At the bidding of Lancashire, the Hindu peasant has had to pay more for his clothing for twenty years because, although it is made in his own country, it is subject to an excise duty. The better classes, who wear Lancashire products, have gained the benefit because, until now, the cotton duties have been unduly low..... We have repeatedly sought to warn both Lancashire and past Governments that India, where public opinion is now awake and alert, would not for ever tolerate a tariff dictated by English considerations."

It is no Indian that has written this. It was a greater "friend" of India than the *Friend of India* (the *Statesman* of Calcutta) which writes this. Mr. Bonar Law's views are these :

"We have imposed in India excise duties on cotton corresponding to the import duties. Lord Crewe, as a member of the Government which lives in a world of make-believe, is able to say to India, 'We put on these excise duties for your benefit ; everything is well'—though he knows it is not true, and there is no Indian who does not know that it is untrue. How is it possible to believe it ? Everyone who has studied the Press, or who has studied the debates at the time these excise duties were introduced knows that they were put on for the protection of Lancashire, and it proves that our object was to prevent Indian manufacturers from getting any advantage. Otherwise excise duties would have been put on everything ;.... These excise duties are detested in India. They are detested not so much because they give us equality of treatment, but because of the annoyance and inconvenience which they cause, and every one in India would rejoice to see them removed."

These are the opinions of very well-known people, one of them an *ex*-Prime Minister of the British Empire. I have given the opinions of so many people. Only yesterday, a friend of mine was telling me that by taking off these excise duties you will be enriching the Indian millowners at the expense of the poor. I do not know how that is possible. The poor will remain as they are, but if the excise duty is taken off they will get, I think, slightly richer. If the Indian millowner reduces the price of cloth correspondingly, the poor will have to pay less in future than what they are paying. I am no advocate for the Indian millowner, or for the matter of that, the British millowner. Both of them are profiteers and do not treat their employees well enough. I am siding with the Indian millowner for the simple reason that the cloth here will be slightly cheaper. Besides, the money which flows out of my country and which has no chance of ever being recirculated in the country, will stop in the country and there will be a chance of its recirculation among the people. As for the benefits to be conferred or which ought to be conferred on their employees by the Indian millowners, that question does not now arise. I hope however that it *will* arise in the Delhi session, and then we will have to say a lot as to what ought to be done. But at present this excise duty for many reasons very well-known to Government benches as well as to others, should be taken off immediately.

Rai Sahib M. Harbilas Sarda (Ajmer-Merwara : General) : I rise to support the Resolution. Sir, the Resolution consists of two parts. The first is a recommendation to abolish the cotton excise duty. The second is a recommendation that the question of protection to the cotton mill industry in India be examined. The first part has a sort of finality about it in that it recommends that the cotton excise duties should be finally abolished. The second part only asks that the question of protection being given to

[Rai Sahib M. Harbilas Sarda.]

the industry be examined, and does not recommend that protection be given to the cotton industry. It has been said, and it has been constantly dinned into our ears, that the abolition of the cotton excise duty is nothing more than the righting of a wrong done years ago when the excise duty on cotton was imposed not by the free will of the Government of India but at the dictation of Lancashire. If that is so, I am surprised that Honourable Members in this House should have made the acceptance of the motion to abolish this excise duty subject to certain conditions—a condition that the owners of mills who would profit by the abolition of this excise duty should either pay a certain amount to Government or give concessions to their employees. If this House is going only to right a wrong that was done, I do not see that the undoing of the wrong should be subject to any conditions. I will give a little illustration. Suppose a man is fined by a judicial court and pays Rs. 5,000 as a fine into the treasury. He appeals to the higher court and the appellate court remits the fine and sets aside the lower court's judgment. Will it be fair or just for the judge or the public prosecutor or for the spectators in the court to demand that before that man is reimbursed, before the fine is paid back, he shall pay a certain amount either to Government or the court-officials, or to his servants, or to the public present in the court? In the present case the fine paid is not even returned. If we are only righting a wrong, if we are only doing now what should have been done long ago, there is no reason why we should attach any conditions to the abolition of the excise duty. The excise duty should, if it is wrong, be abolished. If the labour is entitled to concessions or entitled to certain rights, let that question be decided on its own merits. I think the righting of this wrong should not be subject to conditions of any kind.

Mr. Ahmad Ali Khan (Assam : Muhammadan) : The genesis of this duty must I think be known to the Honourable Members here but I venture to think it would bear repetition. In 1895 the Government of India were compelled by financial stress to re-impose the greater part of the 5 per cent. tariff on imports but they excluded the coarser cotton fabrics at that time. Later on those cotton fabrics had to be included and eventually the Government had to agree to the levy of a countervailing excise duty of 5 per cent. on cotton fabrics manufactured in the Indian power mills. In 1896 that duty was lowered to 3½ per cent. at which figure it now remains. Rightly or wrongly, most people believe that the excise duty imposed on India is for the selfish benefit of the British manufacturers and under pressure of the British politician. They believe that the Englishmen here have hitherto been able to find and always find some excuse to retain that excise duty. I strongly support the first part of the Resolution that the duty should be abolished at the earliest possible moment. My reason for taking up that position is this, that this duty has done great harm and that no measure has brought greater discredit to the British Government in this country than this excise duty on Indian manufactured cotton. It has formed the principal plank in the agitation in many quarters in this country and the sooner this duty is done away with the better for all parties concerned. An argument often urged in its favour is that the duty is a small one, only 3½ per cent. A Parsi gentleman, the late Mr. Jamsetjee Tata, worked out the figures and arrived at the conclusion that although the duty is a small one, its effect on capital is equivalent to a 7½ per cent. tax, that is to say, it has had the effect of retarding the

flow of capital into cotton mills in this country. Another argument in favour of the abolition of the duty is that it raises the price of cheaper Indian fabrics in this country without benefiting the Lancashire workers because it is a commonplace that the Indian mills in this country do not produce the finer fabrics that have to be imported from outside. The competition to the extent that exists is very slight indeed.

With regard to the second portion, in which Mr. Kasturbhai proposes to direct the Tariff Board to examine the question of protection, I am not in agreement with that portion of the Resolution. I believe the cotton mills here are well in a position to look after themselves and that now or in the immediate future they cannot need the assistance of a tariff wall. The market is near at home ; the raw material is at their door. Therefore, Sir, I cannot accept the second part of the Resolution. These are my reasons for supporting the first part to the Resolution.

Mr. M. K. Acharya (South Arcot *cum* Chingleput : Non-Muhammadan Rural) : I claim to come from a constituency in which not hundreds or thousands but hundreds of thousands are weavers by profession subsisting on their hand-loom alone. I refer to this because during the Delhi session Mr. Bell, who then happened to be in this House, from Bombay, stood up and claimed to speak as in special sympathy with the interests of the hand-loom weaver. I hope I shall not be failing in duty to the hand-loom weaver who, as I said, forms by no means an inconsiderable percentage in my own constituency and in fact I should think in any rural constituency in India. Therefore if on this occasion I do give my support to the Resolution moved by my Honourable friend Mr. Kasturbhai it is not that I am indifferent to the interests of the hand-loom weaver or that I wish that the mill-owner at the cost of the hand-loom weaver should be given any special facilities. I support this motion because I feel convinced from the facts and figures that I have had access to, that the motion on its own merits does deserve the support of every true Indian interested in national progress. I do not desire, and indeed I believe it is unnecessary at this moment, to go into the past history whether in general of the textile industries of this land, or into the past history even of this particular cotton excise duty. It is admitted on all hands that this duty has had a very iniquitous origin, it is admitted on all hands that its continuance for so many years has been quite indefensible. The question now before us is, taking the present conditions of the country into account, taking the fiscal arrangements at present obtaining in the country, whether it is necessary to keep on this duty which was, as I said, iniquitous in origin and indefensible in continuance for many years at least. There are only two or three issues that seem to arise in this connection. The first is whether any further increase of prosperity in the present condition of the mills would jeopardise the progress of the hand-loom industries ; whether the removal of this cotton excise duty will only be simply enriching those who are already rich, and lastly what exactly is going to be the gain to the country at large and to the labourers in particular. These questions have been more than once raised. Facts and figures were advanced as I referred to in Mr. Bell's speech ; it was a very interesting speech which many Members are likely to remember. I desire on this occasion to point out that some of the facts and figures laid before us during the debate at Delhi by Mr. Bell have been very well answered by my friend Mr. Manmohan-

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das Ramji of Bombay. I hope the pamphlet has been circulated to all Members of this House containing Mr. Bell's speech and the crushing reply to that speech. The points seem to be these. It is not denied by the millowners themselves that the mill industry in India has had a fairly progressive career, that the mills in India have been advancing in prosperity from year to year. It is not denied at the present moment, as everybody knows that there are three sources from which we get all the cloth that we want—the mills, the produce of the hand-looms and imports from foreign countries, and here are some figures that I have noted. It is true that in 1896-97 the mills in India produced only 275 million yards : the hand-looms contributed 800 millions and the imports amounted to 1,925 millions of yards. This was some 26 or 27 years ago, and the figures for 1921-22 are as follows : The mills have given us 1,525 millions of yards, the hand-looms 1,000 millions and imports 1,200 millions of yards. The percentage in 1896-97 was as follows : The mills contribute 9 per cent. the hand-looms 27 per cent, and imports 64 per cent, of the total consumption of cloth in India. In 1921-22 the mills contributed 41 per cent., the hand-looms 26 per cent. and imports 33 per cent. It is not denied, and I for one am glad of it, that the imports have fallen off considerably. They have fallen from 64 per cent. in 1896-97 to 33 per cent, in 1921-22 ; and it is apprehensively argued that the great prosperity of the mills has brought down the quantity of foreign imports. But I do wish to raise this question in the national interests whether or not it is desirable that India should produce all the cotton cloth that her children need. Is it a sin, is it a crime if the foreign imports have fallen from 64 to 33 per cent ? I would ask most solemnly and seriously why there should be a single yard of cloth imported into my country which produces enough and more than all the cotton required for her children. It is a standing disgrace that this country which perhaps produces more cotton than any other single country in the world, and if not so much, at least more than her children need,—it is a standing disgrace that we should import 1,200 millions of yards of foreign cloth, or 33 per cent. of our requirements. Therefore I am not at all staggered by this fall in imports. I welcome it and rejoice over it. I would welcome the coming of the day when there will be no foreign imports at all. And if we can do anything to bring down the imports still further I would strongly urge upon every man who really loves this land and every Britisher who claims to really love this country although this is not his own country, to do his utmost to see that this country now, as in the ancient past, produces all the cloth that her children want. I want for a moment to dispel the illusion that some people have that the growth and prosperity of the mills will bring down the prosperity of the hand-looms. As I have said, here are the figures. In 1896-97 the hand-looms produced only 800 millions, and in 1921-22 1,000 millions of yards. There has been therefore, so far as bare quantity is concerned, a certain increase. There has been of course an all-round increase in the consumption. The percentage was 27 in 1896-97 and 26 in 1921-22. There has not been therefore any considerable fall such as should excite the fears of those who claim to be great supporters and sympathisers of the hand-loom industry. Now, I want to draw the attention of this House to one further point, namely, that the hand-looms produce fabrics of a kind which I think are not generally affected by mill produce. If I am not mistaken, my informa-

tion is that the yarn produced in the mills is of very much lower count, not above 24; while that in the hand-looms—at least I know in the most important town in my constituency, the ancient town of Conjeveram, where I believe there are not less than 10,000 hand-loom weavers—is of very much finer quality. In Salem, Coimbatore, Madura, and many of those noted places, the hand-loom weavers do not take up coarse yarn. They take very fine yarn and mix it up with silk and lace and manufacture fine cloths, especially the exquisite *saris* that our ladies wear. The yarn of the hand-loom, as I have said, is very fine yarn, while the yarn used in the mills generally is of a much lower count. Therefore hand-looms generally will not be affected considerably by the growth of the mill industry. In any case, Sir, I desire that as far as possible we should clothe ourselves with our own products.

Lastly, is it desirable that the mill-owners who are supposed to be already very rich should be made still richer? Is it desirable that one crore and 66 lakhs should be taken away from the Government coffers and put into the coffers of these rich mill-owners of Bombay and Ahmedabad? I do not fear the implication. It is asked, what is going to be the advantage to the labourer. I do believe that during the war and during those years when these mill-owners were making very large profits they did give some kind of special bonuses to the labourers, which I think were withdrawn in 1922-23. If I am not mistaken there was a committee appointed by the Government of Bombay to inquire into this very question, whether the profits made in 1922-23 were such as to warrant the continuance of the bonus. It was presided over, I think, by the Chief Justice of the Bombay High Court, and he came to the conclusion that the profits made during 1922-23 were not such as to warrant the continuance of the bonus. Now, even if the labourers want more—I am sorry my friend Mr. Joshi is not here, for he claims to be a great friend of mill labourers, though I can claim to be as great if not a greater friend to them than he—it is only when the mills make very good profit that the labourers can get a bonus or any other improvement in their status and condition and pay, etc. After all, Sir, what are the mill-owners of Bombay? Is there any single millionaire in Bombay, any one single individual, any great rich man in India that can at all compare with the rich men of the west? There are no Rothschilds or Rockefellers here, none of those fabulous rich men in India. I wish that there may be many more rich men in India, even though they may be mill-owners. It is not a sin to be a mill-owner. I do believe that the mill-owners of Bombay, many of them, did with a very good heart contribute very munificently to the Tilak Swarajya Fund of Mahatma Gandhi three years ago. I am confident that as long as they are rich—and I wish they should grow ten times richer than they are to-day—I am sure they will contribute amply to the national resources. I have also facts and figures to show that when they made good profits, they also reduced the price of the cloth they were selling. I do not propose to weary the House, but I think, generally speaking, the price per yard turned out in the mills has always been less than the price per yard of imported cloth. I find it has always been one anna, sometimes two annas, less than the cost of the imported cloth; thus in the years 1914, 1915, 1916 and 1917, there have been considerable reductions; and I doubt not that in the coming years, if the mill-owners are able to make really good profits—their books ought to be able to show how much they are making—they will be able to, they will be forced to, they will be willing also I hope, to reduce the price of cloth

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per yard so that the poorer people can get cheaper cloth ; and our endeavour ought to be to increase the output of the mills, to increase the output of the hand-loom factories also ; to ask these mill-owners also to spin sufficient yarn for sale and supply it to India's hand-loom weavers, so that the hand-loom weavers would not go and look for the imported yarn for keeping their hand-looms going. The mills therefore must spin more yarn for the use of hand-looms, and they must produce more cloth for the use of people in this country ; and I trust the time will soon come when we shall be able to have our own cloth ; and it is in that direction that I wish that this House should give every impetus. And it is because I believe that the removal of the cotton excise duties will give that kind of impetus towards this great national industry, this vital industry, the cloth industry of India, that I rise to support this motion.

Lastly, I shall say just one word, and that is that I sincerely believe that nobody will raise this bogey of Rs. 1,68,00,000, and say,—" how are the Government going to make it up ". I say, " cut down expenditure ". That will be a most welcome way so far as we on this side of the House are concerned. We must help the national cloth industry, and even if there is a loss of revenue, the Government must either cut down expenditure or they must find out other ways and means. (*Diwan Bahadur T. Rangachariar* : " What other means ? ") I am not concerned with that, probably Mr. Rangachariar may be able to find out ways and means in connection with the next Budget. I don't want to usurp the functions of the Finance Member. We are here now to protest against this iniquitous tax. Its iniquity has been admitted,—I will just quote a few lines from the speech of Sir Malcolm Hailey. Sometime ago the Honourable Sir Malcolm Hailey said in this House :

" I will admit all the grounds against the cotton duty. I admit that it has an unhappy history. I admit that it is not a good tax, because it is a tax on production and not on profits."

After that admission from a responsible Member of the Government, I do not believe it will be open to any Member to say that it is a tax which is not objectionable. The only thing that can be urged is that " somehow or other, rightly or wrongly, viciously or righteously, the tax has been imposed for 20 or 30 years : why not continue it some time longer ? " If you are convinced that it is an iniquitous tax, you are wrong in continuing it, the sooner we do away with it the better ; and this House will not start upon a new and pure regime in a better way than by getting rid of this iniquitous tax. The mill-owners will then have the sense of justice and righteousness to do what they ought to do towards the labourers on the one hand and towards the country in general on the other. I trust and implore that every Member of this House who agrees in the general question, who feels strongly on the subject of the national prosperity of India so far as its most important and essential industry is concerned, will give his unhesitating and cordial support to the motion that is before the House.

Mr. President : I do not propose to ask the House to sit late tonight as this debate will be carried over in any case to the next day for non-official Resolutions, that is, Wednesday. This House now stands adjourned till 11 A.M. to-morrow.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 23rd September, 1924.

LEGISLATIVE ASSEMBLY.

Tuesday, 23rd September, 1924.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

TOLL ON THE BENGAL AND NORTH WESTERN RAILWAY BRIDGE OVER THE GUNDUK.

2339. *Mr. Gaya Prasad Singh: (*a*) With reference to my starred question No. 1116 of the 30th May 1924, regarding the toll on the B. N. W. Railway bridge over the Gunduk between Sonepur and Hajipore, is it not a fact that on the recommendation of the District Board of Saran, supported by the Commissioner of the Tirhut Division (in his letter No. 3036, dated the 8th December 1922), the Secretary to the Government of Bihar and Orissa, Irrigation Department, Railway Branch, moved the Agent, B. N. W. Railway, Gorakhpur, for making the bridge free, noting in the concluding portion of his letter No. 83|*vi-i* of 1923, C. I. R., dated the 16th May 1924, the following :

"I am to say that H. E. the Governor in Council will be glad if the Agent, B. N. W. Railway will give the matter his personal attention, and pass orders for the abolition of the toll bar on the bridge in question" ?

(*b*) Is it not a fact that the Government of Bihar and Orissa, in their letter No. 1341|VI, dated the 7th March 1924, have moved the Government of India, Railway Department, for the abolition of the toll bar in question ; and will the Government be pleased to lay a copy of this letter as well as of the letter referred to in (*a*) above on the table, together with other correspondence on the subject ?

(*c*) Are Government aware that letter No. 757-T., I. S. G., dated 6th September 1910 of the Bengal Government, Municipal Department, lays down the undesirability of levying a toll bar on Railway and other bridges for a longer period than 20 years ; and will the Government kindly place a copy of it on the table ?

(*d*) Is it not a fact that the B. N. W. Railway bridge over the Ganges at Cawnpore is free ? And if so, since when ?

Mr. A A L. Parsons: (*a*) Government have not received copies of the letters referred to.

(*b*) Yes. The correspondence is proceeding, and cannot be published at this stage.

(*c*) It has been ascertained from the Bengal Government that the circular in question has not been interpreted as lying down any hard and fast rule and that instances have occurred where tolls have been allowed for more than 20 years.

(*d*) The tolls on this bridge which is owned by the Oudh and Rohilkhand Railway and not by the Bengal and North Western Railway Company were abolished in 1907.

OPIUM POLICY OF THE GOVERNMENT OF INDIA.

2340. *Maung Tok Kyi : (*a*) Has the attention of the Government been drawn to Reuter's telegram, dated London 27th August 1924, announcing that Sir John Jordon on behalf of Britain, submitted a suggestion that the quantity of Indian opium exported to the States regulating opium smoking should be reduced by 10 per cent. per annum for a decade and the Governments of Japan and Siam and Powers with possessions in the Far East should be requested to reduce their consumption of opium at the same rate, and that the suggestion was opposed by Mr. Campbell on behalf of India ?

(*b*) If it has, will the Government be pleased to state if Mr. Campbell opposed the suggestion under their own instructions ?

(*c*) Will the Government be further pleased to state whether or not they are prepared to revise their opium policy on the lines suggested by Sir John Jordon ?

The Honourable Sir Basil Blackett : (*a*) to (*c*). I would refer the Honourable Member to parts (*a*) and (*b*) of the reply which I gave to Dr. S. K. Datta's question on the 19th September 1924, No. 2217.

AGREEMENT WITH THE ORIENTAL TELEPHONE AND ELECTRIC COMPANY, LIMITED, RANGOON.

2341. *Maung Tok Kyi : (*a*) Will the Government be pleased to state in what year they entered into an agreement with the Oriental Telephone and Electric Company, Limited, Rangoon ?

(*b*) Will the Government be also pleased to state how many times that Company has raised the rate of annual subscription for exchange connection since that year ?

(*c*) Will the Government be pleased to lay on the table a copy of the agreement made between them and the Company ?

Mr. H. A. Sams : (*a*) The license was granted in 1884.

(*b*) Alterations in the rates of annual subscription per connection are as follows :

Year.	Annual rate of subscription per connection.
	Rs.
1884	250
1902	150
1918	200
1923	250
1924	300

(*c*) I shall be glad to show the Honourable Member in my office a copy of the license granted to the Company in 1884 together with a copy of its subsequent renewals.

THE MAHA BODHI TEMPLE AT BUDDHAGAYA.

2342. *Maung Tok Kyi: (*a*) With reference to the answer given to my question No. 370 (*b*) on the 18th February 1924, regarding the Maha Bodhi Temple at Buddhagaya, will the Government be pleased to state if they have come to any decision?

(*b*) If not, may I beg to inquire when they may be expected to come to a decision?

The Honourable Sir Alexander Muddiman: The memorials referred to in the reply given by my predecessors have since been disposed of. The Government of Burma have been requested to inform the memorialists that the management and control of the Temple is a matter which must necessarily be left for settlement by the communities concerned.

APPLICATION OF LALA GOPAL KRISHAN FOR ENROLMENT AS A PLEADER IN THE NORTH-WEST FRONTIER PROVINCE.

†2343. *Lala Duni Chand: (*a*) Is it a fact that L. Gopal Krishan, pleader, Bhakkar, and resident of Dera Ismail Khan District, applied to be enrolled as a pleader, to the Judicial Commissioner, North-West Frontier Province in the year 1923?

(*b*) Is it a fact that his application for being enrolled as a pleader was rejected on the ground that he did not belong to N. W. F. Province, though as a matter of fact he did belong to it?

(*c*) Is it a fact that on his making a representation again and pointing out the incorrectness of the ground on which he was refused enrolment, his application was again refused?

(*d*) Are the Government prepared, under the circumstances, to ask the Judicial Commissioner to reconsider his case?

APPLICATIONS FOR ADMISSION AS PLEADERS IN THE NORTH-WEST FRONTIER PROVINCE.

2344. *Lala Duni Chand: (*a*) Are Government aware that in the N. W. F. Province, applications for admission as pleaders are entertained only once in a year by the Judicial Commissioner, while in other Provinces the High Courts receive and decide similar applications at any time they are presented?

(*b*) In view of the fact that this practice works hardship on those who may be entitled to practise as pleaders in N. W. F. Province Courts, are the Government prepared to invite the attention of the Judicial Commissioner to this matter with a view to his removing this hardship?

The Honourable Sir Alexander Muddiman: With your permission, Sir, I will answer Questions Nos. 2343 and 2344 together.

The information required has been called for from the Local Government and will be communicated to the Honourable Member when received.

RESTRICTIONS ON THE ENROLMENT OF PLEADERS IN THE NORTH-WEST FRONTIER PROVINCE.

2345. *Lala Duni Chand: Are Government aware that in N. W. F. Province only a limited number of pleaders is admitted, while there is

† For answer to this question—*see* answer below question No. 2344.

[Lala Duni Chand.]

no such restriction in other Provinces, and if so are the Government prepared to refer the matter to the Judicial Commissioner with a view to his removing this restriction ?

The Honourable Sir Alexander Muddiman : The enrolment of pleaders in the North-West Frontier Province is regulated by rules made by the Local Government under section 9 (2) of the North-West Frontier Province Law and Justice Regulation, 1901 (VII of 1901). In practice the number of licenses granted is limited to the probable requirements of litigants. The objects of this limitation are (1) to assure to every legal practitioner to whom a license is granted a reasonable expectation of earning a living and (2) to prevent touting and the fostering of unnecessary litigation. The question of amending the rules is under consideration.

Diwan Bahadur T. Rangachariar : When do the Government expect the North-West Frontier Province to become a civilised province ?

The Honourable Sir Alexander Muddiman: When we cease to have riots and things like that, Sir.

ALLEGED HIGH-HANDEDNESS OF ARBAB MOHAMMAD AKRAM KHAN, HONORARY MAGISTRATE, PESHAWAR DISTRICT.

2346. *Lala Duni Chand : (*a*) Are the Government aware that since May 1923, repeated representations have been made by a large number of *Kazi Khels* of village Landi Yarghajo, Tehsil and District Peshawar, against the high-handedness of the local Honorary Magistrate, Arbab Mohammed Akram Khan, praying for exemption from being tried in his Court, and that hitherto no heed has been paid to their representations ?

(*b*) Are Government prepared to take any steps in the matter ?

Mr. H A. Sams : Inquiry is being made from the Local Administration and the information will be supplied to the Honourable Member in due course.

NEW STORES PURCHASE RULES.

2347. *Dr. H. S. Gour : (*a*) Has the attention of the Government been drawn to the fact that the Stores Rules recently published are in absolute contravention of the Resolution supported by every section of non-official opinion in the Assembly at the Delhi session ?

(*b*) Will Government be pleased to state whether the London Stores Department is absolutely independent of the Indian Stores Department in practice and not a branch of it as was desired by non-official opinion ?

(*c*) Will Government be pleased to state whether under the new Stores Rules it is open to a purchasing officer of a Department to send his indent directly to London without any reference to the Indian Stores Department ?

The Honourable Mr. A. C. Chatterjee : (*a*) Presumably the Honourable Member is referring to the Resolution regarding rupee tenders for Government stores which was adopted in this House on the 14th February 1924. I made it clear during the debate on that Resolution that the Stores Purchase Rules had been revised before the date of the debate. The recommendations made by the Assembly on that occasion are now under consideration

(*b*) Both the London and the Indian Departments are under the Department of Industries and Labour.

(*c*) Yes : but purchasing officers are required at the same time to send a copy of their Home indents to the Indian Stores Department for scrutiny.

Dr. H. S. Gour : Are the indents that are sent to the Indian Stores Department for scrutiny made public, so that the Indian industries might be able to see as to how far they are able to comply with the terms of the indent ?

The Honourable Mr. A. C. Chatterjee : They are not made public in that form, but lists are periodically published of indents that have been sent to England in a more connected form and for the better guidance of Indian manufacturers.

PURCHASE OF RAILWAY STORES BY THE INDIAN STORES DEPARTMENT.

2348. ***Dr. H. S. Gour :** (*a*) Will Government be pleased to state whether Sir Charles Innes declared in March 1922, that when the Indian Stores Department was established, it would make all purchases not only for State Railways but also for Company managed Railways ?

(*b*) Will Government be pleased to state what amount of purchases for railways has been made by the Indian Stores Department in the last three years ?

(*c*) Will Government give a final definition of their policy on the question of purchases for the Railways to be made by the Indian Stores Department ?

Mr. A. A. L. Parsons : (*a*) The statement made by Sir Charles Innes appears in Vol. II, No. 39 of the Legislative Assembly Debates of the 2nd March 1922, and was as follows :

"If this Indian Stores Department is established it will purchase for the State Railways all railway materials which can be procured in India. Further, if that Indian Stores Department is properly organised, if we have proper machinery and intelligence, and above all inspection, if that Department acquires the confidence of other great consuming Departments, especially the Company Railways, then the Stores Department would be mainly occupied in buying railway material not only for State Railways but for Company Railways also."

(*b*) The Indian Stores Department was constituted in 1922, and the purchases made on behalf of Railways during 1922-23 which were confined to textile goods amounted to Rs. 37,825. During 1923-24 the total value of the purchases Engineering and Textile for Railways amounted to Rs. 9,42,237. During the five months of the current year purchases have amounted to Rs. 3,27,539.

(*c*) The Honourable Member is referred to the reply given in this Assembly on the 17th instant to parts (*f*) and (*g*) of Mr. Neogy's question and to the reply given on the 22nd instant to part (*b*) of Mr. Willson's question on the same subject.

PURCHASE OF STORES BY PROVINCIAL GOVERNMENTS.

2349. ***Dr. H. S. Gour :** (*a*) Is it true that the Stores Rules as now published and practised do not compel the Provincial Governments to make any reference to the Indian Stores Department for their purchases if they do not want it ?

(*b*) Is it true that all Provincial purchases can go to London by way of indents altogether independent of the Indian Stores Department ?

The Honourable Mr. A. C. Chatterjee : The reply to both parts of the question is in the affirmative.

PURCHASE OF MILITARY STORES BY THE INDIAN STORES DEPARTMENT.

2350. ***Dr. H. S. Gour :** Will Government be pleased to state what percentage of the total material purchased for the military is purchased by the Indian Stores Department ?

Mr. E. Burdon : An endeavour is being made to obtain the information desired by the Honourable Member. I will let him know the result as soon as possible.

ABOLITION OF THE INDIAN STORES DEPARTMENT.

2351. ***Dr. H. S. Gour :** (*a*) Will Government be pleased to state whether it is their intention to abolish the Indian Stores Department and to revert to the old practice of all purchases being made according to the Stores Rules fixed by the Secretary of State in London and largely through the Stores Department in London ?

(*b*) Will Government be pleased to state what constitutional difficulties they had in securing the organization of the Indian Stores Department and to lay on the table all correspondence that has passed with the Secretary of State with regard to the establishment of the Indian Stores Department and the recent Rules which have been published ?

The Honourable Mr. A. C. Chatterjee : (*a*) It is not the intention of the Government to abolish the Indian Stores Department.

(*b*) No constitutional difficulties were experienced in securing the organisation of the Indian Stores Department. Government are not prepared to lay on the table all the correspondence that has passed between them and the Secretary of State regarding the establishment of the Indian Stores Department and the new rules for the purchase of stores.

RULES FOR THE PURCHASE OF IMPORTED STORES.

2352. ***Dr. H. S. Gour :** (*a*) Will Government be pleased to state whether they have asked the Secretary of State to abandon his powers under the Government of India Act for making of Rules for the purchase of imported stores ?

(*b*) How long are Government prepared to allow indents for material to go to London independently of the Indian Stores Department ?

The Honourable Mr. A. C. Chatterjee : (*a*) The Government of India are unable to disclose the correspondence which they have had with the Secretary of State on the subject of the rules for the purchase of imported stores.

(*b*) The Honourable Member is referred to the answer to part (*c*) of his question No. 2347 in which I explained that copies of all indents forwarded to London are sent to the Indian Stores Department for scrutiny. It is not considered practicable to make any revision in the existing system at present and the Government are unable to state when it will be possible to alter it. But I may say that the whole question will shortly come under review in connection with the consideration of the question of the action to be taken on the Resolution passed by this House on the subject of rupee tenders.

RUPEE TENDERS FOR GOVERNMENT PURCHASES OF STORES.

2353. *Dr. H. S. Gour : Have Government definitely rejected the policy of calling for Rupee tenders in India for all Government purchases? If so, why ?

The Honourable Mr. A. C. Chatterjee : The Honourable Member is referred to the reply given to starred question No. 2081 by Mr. W. S. J. Willson on the 17th September last.

UNIVERSITY FOR RAJPUTANA.

2354. *Rai Sahib M. Harbilas Sarda : (*a*) Will Government be pleased to state whether the proposal to establish a University for Rajputana, for which people throughout the province are anxiously waiting, is likely to materialise in the near future ?

(*b*) If not, will Government be pleased to state what arrangements are being made for the affiliation of the colleges in Rajputana to another University in view of the fact that the Allahabad University is going to sever its connection with them next year ?

Mr. H. A. Sams : (*a*) and (*b*). The scheme is under consideration locally. A meeting was held at Mount Abu on the 20th June last. The general sense of the meeting was that it would be premature to proceed with the scheme until the possibilities of affiliation with Delhi or Agra had been further explored. The Agent to the Governor General in Rajputana is in communication with the Delhi University authorities, and also with the United Provinces Committee regarding the Agra scheme.

RETRENCHMENT IN AJMER-MERWARA.

2355. *Rai Sahib M. Harbilas Sarda : (1) Will Government be pleased to lay on the table the Report of the Honourable Mr. Campbell who was deputed by the Government of India to recommend retrenchment in the cost of the administration of Ajmer-Merwara ?

(2) Will Government be pleased to state what action Government propose to take on his recommendations and when ?

Mr. H. A. Sams : (1) Mr. Campbell's report regarding retrenchments in the cost of the administration of Ajmer-Merwara is laid on the table.

(2) The various recommendations made by Mr. Campbell are under the consideration of Government.

CHAPTER VI.

AJMER-MERWARA.

133. *Commissioner's Office.*—A central record room is kept in the Commissioner's Office for several Criminal Courts in the district. The records are arranged by villages and an index is maintained in order to enable the record-keeper to trace any record when it is wanted. The records would be much more easily found if they were arranged according to courts and to the serial number of each class (original, appeal, etc.) of case in each year. The index would then be unnecessary. I have not been able to ascertain any particular advantage accruing from the present arrangement of records.

134. The files in the English record-room were properly arranged from the year 1900 onwards. A card index or loose-leaf index on the lines suggested in paragraph 37 should be prepared for these records. Old records should be weeded out and properly arranged and for this purpose a temporary staff will be required. It appears to me that, as in other offices, the amount of registration of papers is capable of reduction.

At present there is a temporary staff employed in the record room for dealing with the records, namely :

	Rs.
1 clerk on	80
1 record clerk	50
1 lifter on	19
1 daftri on	16
1 peon on	14

This staff may be continued on a temporary basis pending the preparation of a card index or loose-leaf index and the simplification of registration of papers.

135. *Ajmer Treasury.*—The Imperial Bank of India has taken over the work of the treasury on the 1st of January 1924. This has led to a reduction of the non-pensionable staff by 1 assistant treasurer, 1 assistant cashier, 2 note clerks and 11 potdars, one stamp clerk and one hamal ; the cashier will probably not be required after six months.

136. *Nasirabad Treasury Staff.*—The Nasirabad Treasury has been recently abolished. The question has been referred to me whether the sub-treasury staff should be added to the treasury staff at Ajmer.

The vernacular staff of the sub-treasury has already been abolished. There remain one accountant and one pension clerk who was doing accounts work.

137. In view of the facts that the new arrangement, by which the Imperial Bank of India has taken over the work of the treasury, has been brought into force only on the 1st January 1924, and that the treasury officer is uncertain as to the effect of this change on the work of the accountants in his office, the accountant and clerk transferred from Nasirabad may, I think, be retained in Ajmer until the 30th June 1924 and the question may then be reconsidered in the light of experience.

138. The treasury was last inspected by an Accounts Officer from the United Provinces in 1921. It appears desirable that there should be another inspection by an Accounts Officer in the near future and in the event of such inspection taking place the question of the staff required to work in the office under the new arrangement may be specially referred to him for opinion.

139. *Honorary Magistrate's Court, Ajmer.*—The question whether an additional Ahlmad should be sanctioned for employment in the office of the 1st Class Honorary Magistrate, Ajmer, has been referred to me for opinion. The ministerial staff in the court consists of one Reader. The number of cases disposed of in 1923 was 471. I am of opinion that the appointment of an Ahlmad should be sanctioned.

140. *Offices at Beawar.*—The principal officers at Beawar are the Extra Assistant Commissioner (who is Revenue Divisional Officer and 1st Class Magistrate), a Sub-Judge, 1st Class, a Tehsildar and a Sub-Divisional Officer of the Public Works Department.

141. The records of the first three officers are kept in one record room. They are tied in cloth bundles, and I understand that no weeding has been done within the memory of man. The Court records are arranged by villages instead of by years, class of case and the numbers of the cases ; consequently, as at Ajmer, an elaborate index has to be kept to enable the record-keeper to find the records of any case when they are wanted. The record room has the appearance of being very full, but if the records were weeded and unnecessary records destroyed and the remainder were properly arranged and indexed in a card or loose-leaf index on the lines suggested in paragraph 37, a considerable amount of space would be saved and the record-keeper would be able to do his work much more easily and should be able to keep up to date the arrangement, indexing, weeding and destruction of records in future. It will probably be desirable to maintain an index by villages as well as a subject index. The major and minor heads should, as far as possible, be the same as those to be used in the Commissioner's Office.

142. A question specially referred to me was whether a Hamal on Rs. 14 should be sanctioned for employment in Beawar sub-treasury. I understand that he will be employed in doing general odd jobs about the treasury and office such as moving bags of money, pulling the punkha in the hot weather, etc. It was explained to me that the present staff of menials is fully employed in process service, etc., and in consequence it is necessary to engage coolies from time to time who are not very expert in doing the work expected of them. I recommend that the Hamal may be employed.

143. *Police.*—A scheme of reallocation is under discussion but it is not yet ripe for decision. It appears to me improbable that it will be possible to reduce the strength of the subordinate police force. The rates of pay of all ranks are higher than in the United Provinces; the reason ascribed is that the cost of living in Ajmer is higher than in the United Provinces. The question of putting the police on the same pay and allowances as in the United Provinces is under consideration.

144. The allotments under "Other petty supplies" and "Office expenses and miscellaneous" for 1923-24 include special items which are not likely to recur, namely, Rs. 2,410 for the purchase of revolvers and Rs. 1,960 for the purchase of remounts for the mounted police; smaller allotments under these heads should be sufficient in future.

145. *Jails.*—A considerable economy has been effected this year by the Chief Medical Officer by the substitution of barley and gram for wheat in the diet of prisoners in the Central Jail, Ajmer. It is anticipated that the saving of diet charges will exceed Rs. 10,000 this year.

146. The Chief Medical Officer has also, in view of the present financial stringency, refrained from employing six extra warders whose appointment has been sanctioned; this will result in the saving of Rs. 2,700 in the budget. The allotment for raw materials in jail manufactures has, however, been found too small by about Rs. 3,000 and the allotment of the pay of Sub-Assistant Surgeon will have to be increased by Rs. 500 on account of the employment of a 1st grade Senior Officer; the net saving during this year will therefore be about Rs. 9,000.

147. It does not appear to be possible to suggest any further economies although the cost per prisoner per annum (Rs. 161-1-3 in 1922-23) is high as compared with the net cost in other provinces. The reasons given for this high cost are firstly that owing to the scarcity of water, water has to be paid for, and secondly that prices are generally higher than in other provinces.

148. *Education.*—I had the benefit of a discussion of the educational affairs in Ajmer with Mr. Richey, the Commissioner of Education, with the Government of India, and the following proposals are put forward as the outcome of our discussion.

149. I recommend that the number of teachers under training at the Normal School at Ajmer should be reduced by 10 as I understand that, at the present time, posts cannot be found for all the teachers trained. This will effect a saving of Rs. 1,440 per annum as the stipend of each teacher under training is Rs. 12 a month.

150. At present the Superintendent of Education for Delhi and Ajmer-Merwara is on long leave and his duties are discharged by the Commissioner for education as a temporary measure. I recommend that the following arrangements should be made for the supervision of education in Rajputana and Ajmer-Merwara in lieu of those now in force:

(1) The Principal of the Government College, Ajmer, should be given an allowance of Rs. 100 per mensem for the inspection of European schools in Ajmer-Merwara and Rajputana.

(2) The Head Master of the Government High School, Ajmer, should be given an allowance of Rs. 100 a month for the inspection of Indian Secondary schools and should be the Superintendent of Indian Education in Ajmer-Merwara.

It is understood that the Educational Commissioner would pay at least one visit a year to Ajmer in the course of his tours; the Agent to the Governor-General and Chief Commissioner should be permitted to consult the Commissioner for Education direct whenever he requires his advice.

151. This arrangement involves an increased cost to the Government of India of Rs. 2,400 a year over the cost of the present temporary arrangements but would lead to a saving of over Rs. 5,000 per annum (allowing for a saving in travelling allowances) over the permanent arrangement and would provide a more and immediate control over education. It would be necessary to find a post for Mr. Watkins, the present Superintendent of Education of Delhi and Ajmer-Merwara, before he returns from leave in two years' time.

152. It does not appear to be possible to make any further reduction in the cost of education. The Commissioner of Education indeed considers that, as foreshadowed by the Indian Retrenchment Committee in paragraph 33 of their remarks on Education, a large increase in expenditure on primary education is inevitable.

153. *Medical.*—Certain economies have already been carried out and the practice of recovering the cost of medicines from persons who can afford to pay for them

has been introduced. It does not appear possible to make further material economies unless dispensaries are closed, and the Chief Medical Officer considers this course undesirable although it may be necessary to transfer one. No charges are made for private rooms in the hospital at Ajmer as the Chief Medical Officer does not consider them good enough to justify a charge, but when the new hospital, which is now under construction, is completed it is proposed that a charge should be made for special accommodation.

154. I recommend that the Sub-Assistant Surgeons should be given as far as may be the same pay and allowances, on similar conditions as to qualifications, etc., as Sub-Assistant Surgeons in the United Provinces.

155. *Public Works Department.*—I have dealt with the question of the superior staff of the Public Works Department in connection with the proposal to abolish the appointment of Superintending Engineer, Rajputana.

156. I am inclined to think as the result of my enquiries that it may be possible to reduce the amount spent on the maintenance of various roads. In the absence of detailed information it is difficult to state definitely to what extent the total allotment can be reduced with due regard to the nature of the traffic using the road. I recommend that a report should be obtained from the Public Works Department on the allotments necessary for the maintenance of the various roads mile by mile with a view to possible reduction of the total cost of maintenance.

157. Some economy may also be possible in the cost of maintenance of irrigation tanks.

158. *Inclusion of Ajmer Officials in Cadres with the United Provinces.*—It appears to me that it is desirable in certain cases, if the Government of the United Provinces will permit, to include in the cadre of that province certain appointments in Ajmer-Merwara such as those of Extra Assistant Commissioners, Sub-Divisional Officers of the Public Works Department, Sub-Assistant Surgeons and Sub-Inspectors and Inspectors of Police. The pay of officials in Ajmer appears to be generally the same as in the United Provinces. Under this proposal it should be possible, with the permission of the Government of the United Provinces, for an Ajmer officer to proceed to the United Provinces, for service there from time to time for a certain period in the course of which he would receive a more up-to-date training and a wider experience than he can probably obtain in Ajmer. This should lead to increased efficiency in the administration and that in itself will result in economy. Further, it should be possible to obtain officers, if required, from the United Provinces, when necessary and there would be less difficulty in filling vacancies caused by officers going on leave and less necessity for keeping the establishment over strength in order to fill casual vacancies. It will be reasonable to give a suitable local allowance to provincial officers deputed to Ajmer-Merwara when they are not natives of Rajputana in order that suitable men when required may be attracted to service in Ajmer-Merwara.

159. *Increase of Provincial Receipts.*—I have examined the question of the possibility of increasing the receipts in Ajmer-Merwara.

160. The receipts of land revenue cannot be altered during the period of the present settlement which expires in 1930. It is, however, possible, with the sanction of the Government of India, to alter the rates of cesses levied for irrigation under first class tanks. The question of increasing these rates, which appear to be low in certain cases, should be considered.

161. The principal item of provincial receipts is excise. This item is expanding and every effort is being made to increase the revenue from it.

162. In respect of such matters as stamps, registration fees, etc., it is usual in Ajmer-Merwara to follow the example of the United Provinces.

163. I am not sure whether any further material increase can be expected under Forests without increased expenditure which will not be remunerative for some years.

164. Every effort is, I understand, being made to increase the receipts from jail manufactures. It is realised that the average cost of a prisoner per annum is high at Ajmer as compared with the cost in a neighbouring province.

165. Educational fees could perhaps be raised in certain cases but they are now at the same rates as in the neighbouring province.

166. A grant is made from Government funds of Rs. 15,000 a year to the district board. The district board cess is levied at the rate of 3 pies per rupee of land revenue. This appears to me to be very low and the district board should I think be warned that the grant may be stopped unless there is an increase in the cess.

167. *Financial Settlement.*—As a general measure for encouraging economy in Ajmer-Merwara I recommend that the question of making a financial settlement for period of years with the province should be considered. It is perhaps only natural that the district board, for example, should refrain from levying an additional cess if it thinks that the result of such a measure would be the receipt of less money from the Government of India for the province. If, however, it were realised that any savings effected will be available for expenditure within the province in other directions where expenditure is desirable, the officials and the people would have a greater inducement to increase the revenue and to do all in their power to ensure that the administration is as economical as possible without undue loss of efficiency.

(Sd.) A. Y. G. CAMPBELL.

HONORARY MAGISTRATES IN AJMER-MERWARA.

2356. *Rai Sahib M. Harbilas Sarda : Will Government be pleased to state what qualifications are required to be possessed by people who are appointed Honorary Magistrates in Ajmer, considering the duties they have to perform ; and, whether the Honorary Magistrates in Ajmer possess them ?

Mr. H. A. Sams : The ideal aimed at in appointing Honorary Magistrates in Ajmer-Merwara is to secure the services of gentlemen of good social status and education, commanding the confidence and esteem of the public. Commonsense, sound judgment, judicial impartiality and independence of character are the qualifications required. The standard of efficiency expected from stipendiary Magistrates is not always attainable by Honorary Magistrates, but in Ajmer-Merwara the latter have rendered and continue to render valuable services to the public. They exercise only second or third class powers, the court of the Honorary Magistrate 1st class having been recently discontinued on the appointment of the City Magistrate.

COUNTING OF OFFICIATING SERVICE RENDERED BY POSTAL AND R. M. S. OFFICIALS FOR FIXING THEIR INITIAL PAY IN THE TIME-SCALE.

2357. *Mr. Kamini Kumar Chanda : 1. (*a*) Will the Government be pleased to state if the benefit of officiating service rendered by Postal and R. M. S. officials confirmed before the date of issue of the Government Resolution on 23rd September 1920 introducing the time-scale of pay was allowed for fixing the initial pay in the time-scale and whether the same concession was also granted to the officials confirmed after the introduction of the Fundamental Rules on 1st January 1922 ?

(*b*) Whether the same concession has been denied to officials confirmed between 23rd September 1920 and 1st January 1922 ? If so, what is the reason for this discrimination ?

2. Will the Government be pleased to state (*a*) whether the benefit of the officiating service was in the first instance conceded with effect from 1st March 1921 and many officials whose cases were promptly settled benefitted by this concession as regards arrears of pay ?

(*b*) Whether officials whose cases were settled later on were allowed the benefit of the past service only with effect from 1st April 1924 ? If so, will the Government be pleased to state the reasons for this differential treatment ?

3. Are the Government aware that recoveries had been made from officials whose claims to increased pay were subsequently admitted and the recoveries so made have not been refunded ? Will the Government be pleased to state why the refund of amounts so recovered has been refused ?

4. (*a*) Are the Government aware that records are not in all cases available relating to officiating services and that such officiating services can be verified by collateral evidence ?

(*b*) Are the Government prepared to admit such collateral evidence in support of officiating services in respect of which the records are not available ?

Mr. H. A. Sams : 1. (*a*) If, as is persumed, the inquiry relates to clerks in post offices and to Railway Mail Service sorters the reply to the first part is in the affirmative, except that in the case of the Railway Mail Service the date is the 29th September, 1920. To the second part the reply is that officiating service, rendered by the officials concerned on and after the 1st July, 1922, (the date from which Fundamental Rules 30 to 36 were applied to the Postal Service), counts towards increments in the time-scale.

(*b*) The officials in question have been allowed to count towards increments their officiating service rendered on and after the 1st July, 1922. Financial considerations did not admit of the grant of any concession other than that referred to in part 1 (*a*).

2. (*a*) Yes.

(*b*) Yes and in some cases from a later date, the reason being that it is against the ordinary practice of Government to grant concessions with retrospective effect.

3. I have no information on the subject but will be prepared to consider individual cases that may be brought to my notice through the usual channel.

4. (*a*) Yes.

(*b*) This has been done in several cases.

Mr. Gaya Prasad Singh : With regard to my question No. 2339, may I have your permission, Sir, to put only one supplementary question.

Do the Government expect.....

Mr. President : The Honourable Member ought to have been in his place when his name was called.

CONTRACTION OF CURRENCY.

Mr. Jamnadas M. Mehta : Sir, I am putting this question of which I have given private notice to the Honourable Sir Basil Blackett.

(*a*) Are Government aware that there has been since 7th January 1920 a contraction of the currency to the extent of 62 crores as per statement below :

7th January 1920.

			Backing securities.		
Note Issue.	Silver.	Gold.	India.	England.	
Rs. 186·21 (Crores).	Rs. 42·57 (Crores).	Rs. 43·64 (Crores).	Rs. 17·50 (Crores).	Rs. 82·50 (Crores).	= Rs. 186·21

30th September 1923.

I. (Actual)

Note issue.	Silver.	Gold.	Securities. India.	England.	
Rs. 179·28 (Crores).	Rs. 97·48 (Crores).	Rs. 24·32 (Crores)	Rs. 57·48 (Crores).	*Nil*	=Rs.179·28.

If there had been no manipulations since 7-1-20 it should have been

II. (What would have been without manipulation.)

			Backing securities.		
Rs. 241·12 (Crores).	Rs. 97·48 (Crores).	Rs. 43·64 (Crores).	Rs. 17·50 (Crores).	Rs. 82·50 (Crores).	=Rs. 241·12

Actual shortage or contraction

241·12—179·28

Actual contraction Rs. 61·84 crores.

(*b*) Will Government lay a statement on the table showing whether and if so how far the said statement is correct ? What is the present position ?

The Honourable Sir Basil Blackett : (*a*) The statement is correct as far as it goes, *i.e.*, having regard to the figures for the two particular dates mentioned. I am unable to understand why the 7th of January 1920 should have been chosen as the starting point.

(*b*) I place on the table a statement showing the details of the expansion and contraction of currency between the 1st January 1920 and the 31st August 1924 from which it will be seen that the net contraction during the period was about 45¾ crores of which no less than 38½ crores relates to the period prior to the 1st April 1921.

I need hardly point out that the expansion of currency during the war period was very much more, the note circulation alone having increased during that period by about 1.16 crores.

Statement regarding contraction of currency since 1st January 1920.

1st January 1920 to 31st March 1921.

	(In lakhs of rupees.)	
Expansion.—Gold purchased by the Secretary of State and remitted to India	19,52	
Gold acquired by Government	20,80	
Issue of Indian Treasury Bills to the Paper Currency Reserve	37,95	
Total expansion ..	78,27	
Contraction.—Sales of gold by Government	43,66	
Discharge of Indian Treasury Bills in the Paper Currency Reserve	4,37	
Transfer of sterling securities in London to the Secretary of State's cash balance against opposite transfer in India ..	68,72	
Total contraction ..	1,16,75	
Net contraction between 1st January 1920 and 31st March 1921		—38,48

1921-22.			
Expansion.—Issue against internal bills of exchange under emergency provisions	2,00		
Contraction.—Discharge of Indian Treasury Bills in the Paper Currency Reserve	3,30		
Transfer of sterling securities in London to the Secretary of State's cash balance against opposite transfer in India ..	2,50		
Total contraction ..	5,80		
Net contraction in 1921-22	..	..	—3,80
1922-23.			
Contraction.—Discharge of Indian Treasury Bills in the Paper Currency Reserve	7,60		
Issues against internal bills withdrawn ..	2,00		
Total contraction in 1922-23	..	..	—9,60
1923-24.			
Expansion.—Purchase of sterling securities for the Paper Currency Reserve	12,00		
Issues against internal bills of exchange under emergency provisions	12,00		
Total expansion ..	24,00		
Contraction.—Transfer of sterling securities in London to the Secretary of State's balance against opposite transfer in India	5,85		
Net expansion in 1923-24	..	..	+18,15
1924-25 up to 31st August 1924.			
Contraction.—Issues against internal bills (emergency currency) withdrawn	..	..	—12,00
Net contraction between 1st January 1920 and 31st August 1924	..	..	—45,73

It will be seen that practically the whole of the net contraction occurred before 1st April 1921 and that there has been a net expansion since 1st April 1923 of Rs. 6,15 lakhs.

Mr. Jamnadas M. Mehta : May I tell the Honourable Member why I selected the 7th of January. It was because January 1920 was the last month before the Currency Committee's report was put into force on the 2nd of February 1920.

The Honourable Sir Basil Blackett : I think the Honourable Member is incorrect in this that the Reverse Councils began to be sold before the 7th of January.

Mr. Jamnadas M. Mehta : It may be so. But the Currency Committee's report was to come into force in February 1920 and this was the last month before that date. That is the relevance of 7th January 1920.

UNSTARRED QUESTIONS AND ANSWERS.

PROVISION FOR CANDIDATES WHO PASSED THE STAFF SELECTION BOARD'S EXAMINATION IN 1921 AND 1922.

456. **Mr. Abdul Haye** : 1. Will Government please state how many of the candidates who passed the Staff Selection Board's Examination in 1921 and 1922 have not yet been provided for ?

2. If there was a sufficient number of qualified candidates on the Waiting List will Government please state why another examination was held this year ?

The Honourable Sir Alexander Muddiman : I would refer the Honourable Member to the reply which I gave a few days ago to Sardar V. N. Mutalik's question No. 2248.

SUCCESSFUL CANDIDATES AT THE STAFF SELECTION BOARD'S EXAMINATIONS.

457. **Mr. Abdul Haye** : (*a*) Have there been any cases in which certain successful candidates, for reasons of their own, were not able to avail themselves of offers of service made by Government ?

(*b*) If there are such cases, are Government now prepared to make a second offer to such candidates who may now be willing to accept it, in preference to those who passed the examination in 1924 ?

The Honourable Sir Alexander Muddiman : (*a*) Yes.

(*b*) Such cases are considered on their merits by the Staff Selection Board. Government cannot give any undertaking in the matter.

EXEMPTION OF CERTAIN ASSISTANTS IN THE UPPER DIVISION FROM THE STAFF SELECTION BOARD'S EXAMINATION.

458. **Mr. Abdul Haye** : (1) Will Government please state if it is a fact that before the formation of the Staff Selection Board in October 1920 there were certain members of the clerical establishment in the Secretariat of the Government of India, Army Headquarters and attached offices in Simla, who were holding 1st Division appointments either in provisionally permanent, *sub pro tem* or officiating capacities ?

(2) Is it also a fact that before the formation of the S. S. Board the majority of such above-mentioned persons were selected and permanently absorbed in the first Division by the offices concerned ?

(3) Is it also a fact that in the case of certain offices in Army Headquarters although the establishments were absorbed in the permanent cadre from 1st April 1920 they were required to undergo the S. S. Board's Examination ?

(4) Is it also a fact that some of the First Division Assistants who were selected and absorbed and had been working in the said Division for more than one year prior to the formation of S. S. Board and who even continued to work in that capacity for 2 years after the creation of S. S. Board, were subsequently reverted on the ground that they were unable to pass the S. S. Board's test ?

(5) Is it a fact that in consequence of such reversion, in certain cases the officials reverted have sustained a loss in the matter of pay which they would have avoided if they had not been so selected in the first instance for the higher division ?

(6) Are Government prepared to consider favourably the cases of such assistants of old standing who have rendered useful service and who are specially recommended by their immediate officers and if possible exempt them from the examination of the S. S. Board ?

The Honourable Sir Alexander Muddiman : (1) to (5). The question is somewhat vague, and I have not been able to verify the statements made in it. There may be such cases.

(6) A recommendation for exemption from the Staff Selection Board examination is a matter for the Department concerned in the first instance. But the policy is to grant exemptions in as few cases as possible.

CIVIL AND MILITARY LINE OVERSEER.

459. **Mr. Abdul Haye** : (1) With reference to the answer given to my unstarred question No. 331, will Government please state what veterinary qualifications does the present Civil and Military Line Overseas possess or has he even any working knowledge of veterinary subjects ?

(2) (*a*) What is the total amount of allowance paid to the Serjeant in addition to his pay and staff pay ?

(*b*) Are the allowances mentioned in clause (*d*) of the answer paid from the budget of the regiment to which the Serjeant belongs or from the budget of the Army Remount Dept. If the latter is the case was this amount ever sanctioned by Government ?

(*c*) How much of such extra expenditure has been incurred since 1907 and was it ever brought to the notice of Government for regularisation ?

Mr. E. Burdon : (1) and (2). It has been found necessary to refer this question to the local military and accounts authorities, whose reply has not been received. I will furnish the Honourable Member with a reply to this question as soon as possible.

CAPITAL EXPENDITURE ON AND INCOME DERIVED FROM TOWN TELEPHONE PROJECTS FOR THE FIVE YEARS PRECEDING 1923-24.

460. **Mr. Bhubanananda Das** : In reference to my starred question No. 1616 of 3rd instant, will Government be pleased to inform the House :

(*a*) the capital expenditure on all town telephone projects for the 5 years preceding 1923-24 (the year for which no information is available) ?

(*b*) the additional expenditure in each case for maintenance and management for each year ?

(*c*) the annual income derived from respective towns during this period ?

The Honourable Mr. A. C. Chatterjee : Publications showing the financial results of the working of Government telephone systems during the years 1920-21, 1921-22, and 1922-23 have been placed in the Library. From these the Honourable Member will be able to obtain the information he asks for so far as these years are concerned. No such information for years prior to 1920-21 is available, as the system of keeping separate accounts for telephones was not introduced before then.

REVENUE FROM THE TELEPHONE TRUNK SYSTEM.

461. **Mr. Bhubanananda Das** : With reference to my starred question No. 1615 of 3rd instant, will Government be pleased to inform the House

what amount of these revenues over the telephone trunk system was derived from the

(*a*) Government Departments

(*b*) Public ?

Mr. H. A. Sams : No separate account is kept of the revenue derived from (*a*) Government Departments and (*b*) the Public.

OFFICE HOURS IN THE GOVERNMENT OF INDIA SECRETARIAT.

462. **Mr. Bhubanananda Das** : (*a*) Is it a fact that in some Departments of the Government of India the office hours are 10-30 A.M. to 5 P.M. and in some 10-30 A.M. to 4-30 P.M. and in another 10 A.M. to 4 P.M. ?

(*b*) If so, are the Government prepared to consider the desirability of fixing the same office hours (say 10 A.M. to 4 P.M. or preferably 10-30 A.M. to 4-30 P.M.) for all Departments of the Government of India in order to remove inequality of treatment ?

The Honourable Sir Alexander Muddiman : (*a*) Yes.

(*b*) The question of office hours is, within limits, one for each Department to decide for itself, and the Government of India do not propose to issue any instructions in the matter.

PARAGRAPH IN THE *Telegraph Recorder* OF MAY 1922, HEADED " THE POWER OF CLERKS ".

463. **Mr. Kamini Kumar Chanda** : (*a*) Has the attention of Government been drawn to the paragraph " The power of clerks " at page 212 of the *Telegraph Recorder* of May 1922 ?

(*b*) And what steps, if any, in the way of precaution or prevention has been taken and if not taken already, whether the Government do propose to take suitable measures according to that timely warning ?

The Honourable Mr. A. C. Chatterjee : (*a*) Yes.

(*b*) Government do not consider any action necessary.

APPEALS OF THE OFFICE ESTABLISHMENT OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

464. **Mr. Kamini Kumar Chanda** : (*a*) Is it not a fact that all cases, appeals, etc., relating to the office establishment of the office of the Director-General, Posts and Telegraphs, are noted on, before submission, absolutely by one clerk who is understood to be the Appointment and Camp clerk of the Deputy Director-General, P. O., and his views, which are as a rule against complaints of the aggrieved staff are generally upheld by the authorities ?

(*b*) Is it not a fact that recently an appeal has been decided by the Honourable Member in charge of the Department of Industry and Labour in favour of the appellant Babu B. B. Bose, a clerk of the office of the D. G., P. and T., an appeal which was previously thrice thrown out as noted by the Camp Clerk of the Deputy Director-General ?

(*c*) Is it a fact that clerks of that office have recently submitted individual appeals to His Majesty's Secretary of State ?

(*d*) Do the Government propose to make an inquiry and remove the grievances of the clerks of the Director-General's office in this matter ?

The Honourable Mr. A. C. Chatterjee : (*a*) The answer is in the negative. There is no such clerk.

(*b*) Yes. His previous applications were not however noted on by the Camp Clerk to the Deputy Director-General, nor had that official anything to do with their rejection.

(*c*) Yes, five clerks have done so.

(*d*) In view of the reply to (*a*) and to the second part of (*b*), (*d*) does not arise.

REVISION OF THE PAY OF THE CLERICAL STAFF OF THE DIRECTOR GENERAL, POSTS AND TELEGRAPHS.

465. **Mr. Kamini Kumar Chanda** : Is it a fact that according to the Special Departmental Committee (Booth Committee) appointed for the revision of pay of the staff of the Director-General, P. and T., the cost of revision was recommended as Rs. 71,736 per annum while the cost of actual revision according to Government sanction was Rs. 82,217, *vide* item 26 of the report of the Retrenchment Committee page 266 ?

The Honourable Mr. A. C. Chatterjee : The Committee recommended a revision which, including the cost of two Officers appointments namely Rs. 19,800, would have cost in all about Rs. 91,000 per annum. The cost of the revision sanctioned by Government amounted to Rs. 82,217.

GRANT OF PERCENTAGE INCREMENTS TO THE CLERICAL STAFF OF THE DIRECTOR GENERAL, POSTS AND TELEGRAPHS.

466. **Mr. Kamini Kumar Chanda** : Is it a fact that percentage increments as against partial time-scale with retrospective effect from December 1919 as recommended by the Booth Committee and supported by the Director-General was not given effect to by Government as being " unnecessarily liberal " with the result that the majority of the clerks have not been benefited ?

The Honourable Mr. A. C. Chatterjee : It is a fact that full effect was not given by the Government to the recommendations made by the Committee or to the alternative recommendations of the Director General.

Improved rates of pay were however introduced from 1st March 1921 the effect of which was to give immediate percentage increments to the lowest paid, or ' B class ' clerks, and generally to improve the position of the whole staff.

GRANT OF PERCENTAGE INCREMENTS TO THE CLERICAL STAFF OF THE DIRECTOR GENERAL, POSTS AND TELEGRAPHS.

467. **Mr. Kamini Kumar Chanda** : Is it a fact (*a*) that on 1st March 1921 the pay of the two clerks Babu H. M. Bose and Miss B. deMonte of the office of the Director-General, P. and T., was Rs. 210 and 157 respectively by accelerated promotions or otherwise ?

(*b*) That if the time-scale as recommended by the Booth Committee was introduced their pay would be Rs. 157 and 147 respectively according to their length of service and Rs. 42 and 67 respectively by way of personal allowance would have to be granted to them to bring them to the time-scale in case the Booth Committee's recommendations were accepted ?

And to avoid this grant of personal allowance to the two clerks specially and to 18 others of the old A class clerks of that office the percentage increments for all 290 clerks were granted ?

And that the granting of this percentage increments did not give adequate benefit to the majority but created various sorts of anomalies, *viz.*, equality of pay of the clerks irrespective of the length of service specially among the old B class clerks ?

The Honourable Mr. A. C. Chatterjee : (*a*) Yes, including allowances.

(*b*) Percentage increments where given were granted as a general principle and not for the particular purpose suggested by the Honourable Member. Nor are Government prepared to admit that the benefits conferred were inadequate. Where anomalies were created, representations asking for their removal were, as far as possible, dealt with as special cases.

GRANT OF PERCENTAGE INCREMENTS TO THE CLERICAL STAFF OF THE DIRECTOR GENERAL, POSTS AND TELEGRAPHS.

468. **Mr. Kamini Kumar Chanda** : (*a*) Is it not a fact that the grant of percentage increments for the clerical staff of the office of the Director-General, P. and T., has caused discontent to the clerks advanced in service ?

(*b*) Do the Government propose to rectify those at an early date ?

The Honourable Mr. A. C. Chatterjee : (*a*) No.

(*b*) Does not arise.

REVISION OF PAY OF THE CLERICAL STAFF OF THE DIRECTOR GENERAL, POSTS AND TELEGRAPHS.

469. **Mr. Kamini Kumar Chanda** : Is it a fact that since 1919 the question of granting a living wage to the clerks of the Indian Secretariat and attached offices was being considered by the Government of India, the Department of Commerce and that the P. W. D. recommended that the pay of the office establishment of the office of the D. G. P. and T., should be revised on the basis of, the Bengal Secretariat ?

The Honourable Mr. A. C. Chatterjee: The question of revising the pay of the staff of the Director General, Posts and Telegraphs Office was under consideration between 1919 and 1921 with the result that from 1st March 1921 revised scales of pay were sanctioned.

The reply to the second part of the question is that no such official recommendation was made as the revision was referred to a special committee and dealt with on their report.

THE INDIAN CRIMINAL LAW AMENDMENT (REPEALING) BILL.

Mr. President: The Assembly will now proceed with the consideration of the Bill to repeal certain provisions of the Indian Criminal Law Amendment Act, 1908.

Clauses 2 and 3 were added to the Bill.

(Mr. President called Pandit Madan Mohan Malaviya to move his amendment, but he was not present in the Chamber).

Clause 1 and the Title and Preamble of the Bill were added to the Bill.

Dr. H. S. Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I move that the Bill be passed. In doing so, I do not wish to recapitulate the arguments that have influenced me and my friends in asking this House for the repeal of Part II of the Criminal Law Amendment Act. In introducing the Bill I pointed out how I was carrying out the unanimous recommendation of the Repressive Laws Committee upon which the Government were represented and whose recommendation was unanimous on this point. I have given to the House the *ipsissima verba* of that recommendation, which was to the effect that the Committee hoped that the Bill would be introduced in the Delhi Session of 1922 for the repeal of the Criminal Law Amendment Act. Honourable Members will remember that the Government did partially carry out the terms of this recommendation. They introduced a Bill repealing only Part I of the Criminal Law Amendment Act, but left Part II intact. Part II of the Criminal Law Amendment Act was sought to be repealed in the last Assembly, but without success. That attempt had been renewed by this Assembly. Honourable Members will remember that during the previous stage of this Bill we pointed out to the Government how the provisions of Part II of this Act were obnoxious to the acknowledged and well understood principles of criminal jurisprudence. We also pointed out how the prototype of this Act, namely, the Irish Coercion Act, contained safeguards which are wanting in this Act. We also pointed out how the Governor General in Council, and latterly since the Devolution Act, the Local Governments, have been given the power to declare any association as unlawful. The Honourable the Home Member replying to this part of the debate laid emphasis—I submit undue emphasis—upon the wording of section 15, sub-clause (2) (*a*) of the Act. I have no doubt he wanted to impress upon this House the desirability of arming the Government with the power of suppressing violent and dangerous conspiracies ; but if Honourable Members will turn to section 16 they will find a ready answer to the arguments of the Honourable the Home Member, for they will find that while an unlawful association is defined in clauses (*a*) and (*b*), section 16 of the Act lays down that if the Local Government is of opinion that any association interferes or has for its object interference with the administration of law or with the maintenance of law and order, or that it constitutes a danger to public peace, the Local Government may, by notification in the official Gazette, declare such association to be unlawful.

Honourable Members will further find if they turn to clause (*b*) of section 15 that any association, which has been declared to be unlawful by the Local Government under the powers hereby conferred, is an unlawful association. Consequently it comes to this that the Local Government, rather the Governor General in Council in 1908, and since the passing of the Devolution Act of 1920, the Local Government, has been given the absolute right of declaring any association as an unlawful association.

The Honourable Sir Chimanlal Setalvad on the last occasion when this Bill was before this House pointed out that this large power conferred upon the Local Government was not subject to scrutiny or control by any judicial authority, and it came to this that the Local Government may declare any body of men as constituting an unlawful association, and thereafter the members are exposed to the penalty which is prescribed in the following section. Now, Sir, one fact which I want particularly to draw the attention of the House to, and that fact I hope the Honourable the Home Member or any other occupant of the Treasury Benches will

take note of, is this. Suppose the Local Government declares a member or an association to be unlawful and afterwards hands him over to the magistrate for the purpose of passing sentence, what is to be the measure of punishment ? The magistrate says, " You come before me as a member of an unlawful association. I have now to mete out the sentence." The accused says, " I am not a member of an unlawful association ; I am an innocent man and have been wrongly notified as a member of an unlawful association, and I am therefore entitled to the verdict of acquittal." The magistrate says, " You are a member of an unlawful association upon the finding of fact by the Executive Government, beyond which it is not competent for me to go. I am here the sentencing officer and all I have now to find is what should be an adequate sentence that I should pass upon you."

Now, Sir, it is a well-known principle of law that the measure of punishment is the degree of crime, and if the magistrate is not in a position to inquire into the criminality of the accused, how is he to pass adequate sentence ? And that is the position in which the judiciary in India is placed by the passing of what was considered to be an emergency legislation.

I further beg to point out that whatever may have been the immediate causes which led to the enactment of this Act of 1908, the Government themselves acknowledged in 1913 that this Act was not sufficient to cope with the mischief it was intended to be directed against, and in 1913 they passed what is known as the Conspiracy Act adding two important sections to the Indian Penal Code. In 1913 they said that the Act of 1908 was a scrap of paper. They did not say so in words, but they meant it. They said it was not sufficient and had failed of its effect. In 1924 they say that the Act of 1913 is not sufficient, because they cannot get sufficient evidence to bring the offence home to the accused, and they therefore want not only the retention of one or other of the penal provisions of the criminal law of this country but both.

Now, Sir, I pointed out on the last occasion that if there is disturbance of law and order of the character described by the Honourable the Home Member and by his predecessor in office in this House, the Government are empowered to resort to the ordinary provisions of the law which have been considerably strengthened by the addition of the two sections to which I have adverted. They have never tried those sections because they say they cannot get sufficient evidence for it.

Now, Sir, my Honourable friends in saying so are on the horns of a terrible dilemma. I wish to ask them, " If you have no evidence to prove that a particular man is guilty, how are you justified in notifying him as a member of an unlawful association ? What are your data, and upon what grounds do you feel justified in issuing your notification under section 16 of Part II of the Criminal Law Amendment Act ? " Surely, Sir, it must be upon some evidence, and if it is upon some evidence which you consider as sufficient, why should you fear that that evidence should be examined and scrutinised by a trained judiciary ? That I submit is a weakness of Part II of the Criminal Law Amendment Act, and I have no doubt that when the Repressive Laws Committee recommended its repeal, they were influenced by the considerations to which I have adverted. Well, Sir, it has been said, I do not know with what degree of cogency, that if we were to repeal Part II of the Criminal Law Amendment Act,

[Dr. H. S. Gour.]

Government would be deprived of the power which they possess of suppressing lawlessness and crime, and the Honourable the Home Member, at the last sitting of this House, when this Bill came up for further consideration referred to a large number of cases of dacoity and murder, which he said had taken place in Bengal, and in which some of the miscreants had been brought to book. I pointed out, and I repeat it to-day, that in spite of the recrudescence of crime in Bengal, the provisions of Part II of the Criminal Law Amendment Act have not been put in force in that Province, and therefore it follows that the ordinary law is sufficiently strong to cope with the crime of the nature described by the Honourable the Home Member. I therefore feel that I can safely ask this House to support my motion that the Bill be now passed, and I make that motion.

Mr. H. Tonkinson (Home Department : Nominated Official) : Sir speaking in this House a few days ago, my Honourable and learned friend Mr. Jinnah said that the Honourable the Leader of the House did not mind how foolish a decision this Assembly might arrive at on a particular matter. I am speaking from memory, but that is, I think, the substance of a remark which he made. My Honourable friend was very mistaken, and this is one of the reasons why I rise now in the hope that even now, at this last stage, we may persuade the Assembly against the acceptance of this motion. We consider in fact that the passing of this Bill in the present condition of affairs in India would be so opposed to the interests of the country that, even if we look only at the reputation of this Assembly, it is desirable that the Bill should not be passed. I do not wish to take up the time of the House for long, but I do wish to refer to certain aspects of the case which have not, I think, received much attention in the Assembly.

The Bill, as we know, seeks to repeal the portions of the Criminal Law Amendment Act, 1908, which deal with unlawful associations. That is, the present Bill proposes to remove a restriction upon what is known as the right of association. This right may on the one hand be regarded as an extension of the right of individual freedom. For example, if A, B and C may lawfully pursue a particular course of action, if acting without agreement, then A, B and C may pursue the same course of action when acting under agreement. This, however, is not a complete statement of the case, for on the other hand the right of association may greatly restrict the right of freedom of individuals. This is due to a fact that, according to Professor Dicey, has received but little notice from English lawyers, namely, that whenever men act in concert for a common purpose, they tend to create a body which from no fiction of the law, but from the very nature of things, differs from the individuals of whom it is composed. A body created by combination, whether a political league, or a trade union, by its mere existence, limits the freedom of its members and tends to limit the freedom of outsiders.

> "Espirit de corps," *to quote again from Dicey*, "is a real and powerful sentiment which drives men to act either above, or still more often, below the ordinary moral standard by which they themselves regulate their conduct as individuals."

I doubt whether it is necessary for me to refer at length to the application of these remarks to India. One has only to remember the proceedings of the volunteer movement in India a few years ago to see how seriously combinations of persons may curtail the freedom of outsiders. For my present purpose the point which I wish to make is that

at the present day the exercise of the right of association raises difficulties in every civilised country. In England, as elsewhere, trades unions and strikes or federations of employers, and lock-outs; in Ireland the boycotting by leagues and societies of any landlord, tenant, trader or workmen bold enough to disobey their behests or break their laws ; in the United States the efforts of mercantile trusts to create for themselves huge monopolies ; in France the alleged necessity of stringent legislation in order to keep religious communities under the control of the State ; in almost every country, in short, some forms of association force upon public attention the practical difficulty of so regulating the right of association that its exercise may neither trench upon each citizen's individual freedom nor shake the supreme authority of the State.

I doubt whether it is necessary, for me, Sir, to develop further the theoretical justification for special provisions of law relating to associations. I should like, however, to cite an authority which was appealed to in another connection by my Honourable friend Pandit Motilal Nehru the other day. I refer to Professor Sidgwick. He refers to the danger of obstinate and systematic disobedience to Government being materially increased by the formation of organised associations and to certain kinds of acts which, when done by individuals, may be unsuitable for legal repression, but which become more grave and more palpably mischievous when carried out by the organised co-operation of a large group of persons. Further he refers to the danger of disorderly conduct, and he says :

"This constitutes an adequate ground for special repressive intervention if it becomes manifest that the ultimate design of a political association is to use unlawful violence for the attainment of its ends, or if "—*and here the Professor might well, I think, have been referring to recent conditions in India,*—" even though it formally repudiates unlawful methods, its operations have a manifest and persistent tendency to cause such violence. Under these circumstances it is in harmony with the principle on which indirectly individualistic interference has before been justified, that the whole corporate action of such an association shall be prohibited and suppressed, even though a part of its operations may be perfectly lawful."

Mr. V. J. Patel: All that applies when the Government are responsible.

Mr. H. Tonkinson : And then in a note, to which I think I should invite the particular attention of this House, Professor Sidgwick says:

"It will often tend to minimise the required interference if the suppression be not performed once for all by the Legislature, but from time to time, so far as may be required, by the executive temporarily invested with special powers. Such powers, if they are to be useful at all, should be somewhat wide ; or else the attempted repression may be evaded by the reconstitution of the dangerous association under a new name ; but the use of these wide powers should be carefully watched by the legislature."

I think, Sir, this quotation enables me fittingly to leave the theoretical justification for legislative provisions relating to associations, because it is in conformity with the principles laid down in the note which I have just read that the Act which it is now proposed to repeal has been framed.

Dr. H. S. Gour: It justifies temporary legislation.

Mr. H. Tonkinson : And that note, I would remark, is a note by an authority whose greatness was appealed to so recently by the Honourable Pandit Motilal Nehru.

I now turn to the remaining portions of the Act of 1908. What does it consist of ? In the first place an unlawful association is defined in sub-section (*2*) of section 15. I will leave clause (*b*) for the present.

[Mr. H. Tonkinson.]

Clause (*a*) includes among unlawful associations those which " encourage or aid persons to commit acts of violence or intimidation or of which the members habitually commit such acts." The provisions of this clause, Sir, of section 17, which provide for the penal sanction, and of section 18, which provide for the continuance of the association after a formal act of dissolution or change of title, have not been seriously questioned in this House. I submit, Sir, that these provisions are so reasonable, so consonant with the principles of criminal jurisprudence that save perhaps in regard to a few minor particulars they cannot be seriously questioned. It has been suggested that the provisions are covered by the ordinary criminal law. But that is not so. Proof that A, B, and C have joined in a criminal conspiracy is very different from proof that X is an unlawful association and that A, B, and C are members of such an association. From what I have already said there can be no doubt that mere membership of an association of the kind defined in clause (*a*) of section 15 (*2*) should be sufficient to constitute a criminal offence. My Honourable friend, Pandit Motilal Nehru, speaking on this Bill, referred to the magnificent system of law and jurisprudence which has been handed down in England from generation to generation and which is the pride of the England of to-day. I note, Sir, that that system contains provisions of a similar nature to those which I am now considering. Members of certain societies are deemed guilty of the offence of unlawful combination and those societies include *inter alia* those which

" administer engagements purporting or intended to bind persons taking the same to disturb the public peace or to obey the orders or commands of any committee or body of men not lawfully constituted or not to inform or give evidence against any associate, confederate or other person," and so on.

Sir, speaking in 1913 on the Conspiracy Bill to which my Honourable friend, Dr. Gour has referred, Sir Reginld Craddock quoted the remark of Sir James FitzJames Stephen :

" If you find a gap in your criminal law stop it as soon as you find it, in a quiet time if possible, in troubled times if you must."

The sponsor for this Bill on the other hand seeks not to follow this course but deliberately to make a gap in our law. He has not attacked these provisions, but nevertheless he proposes to repeal them. I admit that he and other Members of this House have attacked other provisions of the Act of 1908, but then their proper course is to propose an amendment of those provisions and not the repeal of these provisions which, I submit, Sir, ought to remain a part of the permanent law of the land. Admitting as they must do the justice of these provisions, they ought certainly to vote against the present Bill.

I now turn to the provisions which have been attacked. They are those which enable the Local Government to declare an association as unlawful. This power, as I have already indicated, and as Professor Sidgwick has said, ought in certain circumstances to be vested in the Executive Government. When may a Local Government declare that an association is unlawful ? This is provided for by section 16 which gives the power to the Local Government when it is of opinion that

" any association interferes or has for its object interference with the administration of the law or with the maintenance of law and order, or that it constitutes a danger to the public peace."

I would now like to draw atention to what my Honourable friend Dr. Gour has just said about membership. He suggested that the Executive

Government by notification declares that a man is a member of an association and that when the accused appears before the Court he is not able to prove that he is not a member. This, Sir, is quite wrong as any one who reads the provisions of the Act will at once see. If any association has for its object or if its operations are normally attended by the consequences set out in section 16, I think that all Members in this House must admit that membership of such an association ought in the interests of good government to be made a criminal offence. If then we admit for the present the existence of such circumstances in India, the objections should be directed not to the repeal of the Bill but as to the manner in which the provisions have been worked. We have been told that the powers have been improperly used. I have not got time to discuss this question at length. I would, however, remind the House that a Committee of which Dr. Gour who has moved this motion and Sir Sivaswamy Aiyer were among the members who examined this question three years ago. I understand that they had access to confidential documents and they accepted the view that the provisions had been useful in regard to, and I gather from their report, properly applied against, the volunteer movement in India. The provisions are now being used in the Punjab. I have not sufficient knowledge of the details of what is happening in that province to speak at length on this subject. But I take it that every one here will admit that there have been instances there which would have called for what was described by Sir Malcolm Hailey as the exercise of that higher law which bids the State to protect the common citizen against intimidation, terrorism and wrong. The Act was passed, as we all know, to deal with anarchical crime in Bengal. In regard to the portions of the Act which still remain on the Statute-book Sir Harvey Adamson said that it was hoped that the provisions would be mainly preventive. He explained that the Government of the time believed that the effect of declaring an association unlawful would be to separate from it many of the young and comparatively guiltless and also to deter the older men from giving it henceforth the assistance, pecuniary or otherwise, which from inclination, thoughtlessness or fear they had given it in the past. He said, "We hope to separate the waverers from the real criminals". The value of this weapon as against anarchical crime in Bengal was questioned in this House a few days ago. Our position in regard to anarchical crime is, however, still, as was explained by the Honourable the Leader of the House, the same as when the Act was passed. We hope to be able to utilise it to separate the waverers from the real criminal. We have little hope to secure by these provisions the real criminals. We still think we may be able to deter the waverers, and in any case, the position, as stated in this House by the Honourable Pandit Motilal Nehru, is so serious that we are not prepared, in view of our responsibility for the maintenance of law and order, to abandon any weapon at the present juncture. Sir, I oppose the motion.

Lala Duni Chand (Ambala Division : Non-Muhammadan) : I belong to that province in which the Criminal Law Amendment Act has been applied most wantonly and most indiscriminately. It is particularly my duty to ask for the repeal of this Act which has been popularly called for the last three years a lawless law. I say, Sir, that it has been applied in the Punjab during the last three years and it has been applied on a very very large scale. It is still in force in several districts of the Punjab and if I mistake not it still applies to the Akali *jathas*. Government might say that it is not possible for us to rule

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the Punjab without the help of this Act. I would say that if it is necessary for you in order to rule the Punjab to have an Act like this you should admit your defeat and adopt other means to rule the Punjab. It is a matter of humiliation for the Punjab that the Act is still kept as a sword of Damocles hanging over its head and allowed to fall on it from time to time. It is a law with regard to which the sanest leader that we have got here, Pandit Motilal Nehru, said that if it is again applied to his province he will break it. If that is the attitude of a most revered and rational leader like Pandit Motilal Nehru, Government should think twice before keeping the Act any more on the Statute-book. Then there is another point. I know that almost every law, even the best law, can be abused and misused. I say with regard to this law that it has been most easily and most frequently abused. I will not allow any law to remain on the Statute-book which can be so wantonly abused and misused in the case of a very large number of people. If you could be discriminate in its application I could understand that perhaps in certain circumstances you might be allowed to use it but I know it as a fact that you have abused it, you have misused it and you have never taken into consideration the feeling of the country with regard to this law. I cannot be positive now but till the last winter session of the Assembly this Act was in force in my own district. The Government have been declaring at the top of their voice that non-co-operation is dead, that the people are entirely changed. In spite of these declarations you are keeping this law in force in the Punjab and in those districts which are absolutely quiet and non-violent. It was argued the other day from the Government Benches that if you are going to repeal this law what substitute are you going to give us. In the first place, I say that if there is a law that is positively bad, that is against all principles of jurisprudence, I would not care to give you a substitute. So far as my experience goes, there is a substitute handy and ready in the two codes, the Indian Penal Code and the Criminal Procedure Code. I know it for a fact that there is no situation with which you cannot deal by having recourse to these two Codes. May I ask you if in hundreds and thousands of cases you have not applied sections 107, 108, 108-A, 109 and 110 of the Criminal Procedure Code. I know a case when there was *satyagraha* in Nagpur. A graduate from the Madras University went to join the *satyagraha* and he was bound over under section 109 because he had no ostensible means of livelihood. If you want any substitutes I say that these are the substitutes. I do know that these sections should not be applied. They have a limited scope. The framers of those sections never meant that they should be applied in cases to which they have been applied. You may use them if you like, it may be to your credit or your discredit. I look upon laws of this kind always as liable to abuse. It has got great resemblance to the Defence of India Act. I say that I can help Government in retaining a law of this kind only in one case, that is during war time. There are no war conditions now and there is absolutely no justification to apply this law and retain this law. So far as I know, during the last three years, there has been a demand from the highest to the lowest for the repeal of this law. I would invite the attention of the House to what the greatest lawyer, Mr. C. R. Das, said. When he

presided over the Indian National Congress he traced the history of laws of this kind. He was of opinion (any body who cares to read his presidential address can see for himself), as an eminent lawyer and not as an agitator, that this law is opposed to all principles of jurisprudence, to all principles of public morality. When opinions have been expressed even from moderate quarters for the repeal of this law, when a motion of this kind is brought forward by a sane man like Dr. Gour, I think that should be sufficient to open the eyes of the Government and Government should not say that it is only agitators and extremists that want the repeal of this Act. It is conclusive proof of the fact that the whole of India, call it Nationalist, call it Extremist or Moderate, wants the repeal of this law. To me it is a matter of great surprise that even up to this time there should be opposition to a motion like this. Can the Government say that there is any element in the country which is opposed to the repeal of this law ? If that is the view of the country, as has been represented by various shades of opinion, Government should, in conformity with the spirit of Reforms, come forward and say that this law should be repealed because the whole country wants it to be repealed. It does not appear edifying that even after three years of Reformed Government you should still retain this measure on the Statute-book. It has sufficiently disgraced your Statute-book and I would ask you that a Statute like this should not be kept any more on the Statute-book. I know it is certain that we are going to repeal this law by an overwhelming majority. I am fully confident of that. It will then be open to you to keep it on the Statute-book or not but, so far as the universal voice of the country is concerned, I think there is no doubt that the country thinks that this law should be repealed. I hope that Government will take note of the feeling of the country and agree to this motion.

Mr. M. A. Jinnah (Bombay City : Muhammadan Urban) : In the first instance I think Mr. Tonkinson has completely misunderstood me when he attributes to me the suggestion that it did not matter how foolish the decision may be that this House should come to.

Mr. H. Tonkinson : On a point of explanation I may say that the remark of my Honourable and learned friend to which I referred was to the effect that the Honourable the Leader of the House did not mind how foolish the decision of this Assembly may be.

Mr. M. A. Jinnah : I never said anything of the kind, Sir. I think the Honourable Member has quite misunderstood me. I have got the manuscript of my speech here ; if the Honourable Member likes I will send it across to him.

Next, he said that the reputation of this House was at stake if it were to repeal this Act. Well, Sir, it seems to me that every now and then this argument is trotted out, that, if we do a particular thing which they do not like, our reputation is at stake. Sir, our reputation is at stake and we are determined to put an end to this foolish determination of those who are advising the Government to continue this Statute ; and I say that if this House wishes to redeem its reputation in the eye of the civilised world it should insist upon the removal of this Statute from the Statute-book. Sir, Mr. Tonkinson's speech was a beautiful essay, rich in quotations from most elementary text-books. But he never answered the question which I put in this House and I repeat that question again. Will he show me anywhere in the world where the Government have in normal times—of course we are at issue on that point, whether

[Mr. M. A. Jinnah.]

these are normal times or not—but will he show me any Government in normal time coming to a Legislature and asking for powers such as are contained in this Statute ? I say, Sir, no Legislature and no Government will dare to ask for the powers contained in this Statute. If that proposition is sound, then I ask Mr. Tonkinson and I ask the Government on the other side there, do they think that there is that danger, that emergency, which entitles them to come to this House to-day and say that they must be allowed to retain this Statute on the Statute-book ? Now that is the question to which the lecture of Mr. Tonkinson does not reply. (*The Honourable Mr. A. C. Chatterjee :* "We discussed it the other day.") I am answering now the speech that has been made to-day on behalf of the Government. I do not wish to repeat what I said to meet the Honourable Mr. Chatterjee as to his law. Now, Sir, the point is this. The Government have not shown us a single instance, excepting the recent association in the Punjab, which has been dealt with under this Act. They have not shown us a single instance where an association that was bent upon revolutionary crimes or anarchical movements has been dealt with under this Statute. That is admitted. Then what are the associations that you want to aim at ? If you cannot touch the revolutionary organizations, if you cannot touch the anarchical movements under this Statute, because, as far as I understand, Sir, these bodies have no address, they have no specific location and their membership is unknown even to Government, omniscent as it is, then what are the associations that you wish to deal with under this Statute ? That is the question I ask the Government. The answer is those associations which Mr. Tonkinson with his mentality may think are interfering with the administration of the country. The frame of mind which he displayed in his speech is one of a ruler who is determined to brook no interference with the administration of this country, and those are the orders he will pass against any association which comes into disfavour either with himself or with the Honourable the Home Member. And then what happens when that association has no right to be heard, no right of defence ? It has got to be disbanded, and as I said before, if I had the misfortune to belong to such an association I have either got to go to jail or resign against my own conviction that the association is perfectly lawful and that its aims are loyal and patriotic. And why ? Because Mr. Tonkinson does not agree with me. That is the question which this House has got to decide, and I say this, that, if this House did anything but vote for the repeal of this Statute, it would lose its reputation.

Pandit Motilal Nehru (Cities of the United Provinces : Non-Muhammadan Urban) : As I have been honoured by the Honourable Mr. Tonkinson by his references to me more than once in the course of his speech, I think it is but fair to me and to him that I should be allowed to trespass on the patience of the House for a few minutes. I have often had the misfortune of being misrepresented by the opposing Counsel in law courts and of having my argument so twisted as to be used in support of his argument. But the manner in which the Honourable Mr. Tonkinson has persuaded himself to believe that he has the support of my own argument for his case is, to say the least of it, most surprising. He says that I gave my opinion as to what the present condition of the country was and as to what it may become, and in those circumstances he says it will be very unwise for the Government to throw away the weapon that

they have. Now, Sir, the whole drift of my speech on the second reading of this Bill was that it was the Government who was responsible for these associations ; that it was the Government that had brought them into existence, and that if you do not mend your ways, you may be sure that one fine morning you will wake up to find the whole country a honeycomb of secret societies. That was my argument. I said you were standing on the edge of a precipice. Have a care, one false step will hurl you many fathoms down into the abyss. Mr. Tonkinson says that on my own showing it is for the Government not only to stand on the brink of the abyss but also to dash down into it. He is welcome to use my argument in that way.

The fact that you have not been able to touch the associations that you are afraid of, namely, the anarchical associations, under this Part of the Act and the fact that you cannot possibly touch them, were my reasons for asking you to desist from keeping this law any longer on the Statute-book. I asked the Honourable the Home Member at the time when he was talking of this law as a weapon how the weapon was proposed to be used. He said in effect what the Honourable Mr. Tonkinson has said to-day, namely, that by suppressing such associations at an early stage he would prevent them from ripening into anarchical associations. Mr. Tonkinson has now said that the law may be applied to waverers. Now, Sir, that is a very dangerous proposition and one which we should examine further. How are we to know who are the waverers, and how is the law to deal with waverers ? I think the only law to meet a contingency like the one contemplated by the Honourable Mr. Tonkinson would be one enabling you to take charge of all the young men in the country whose minds are beginning to be imbued with patriotic ideas, who begin to think of their country, and of their lot in it, who are wavering between joining an anarchical movement and doing what they can for their country in other ways. The only law which will meet a case like that would be a law if you can have it passed in this House or any other, enabling you to take charge of all the young men in the country to see that they may not develop at a later stage into anarchists. Then the Honourable Member referred to one class of criminals, the Congress volunteers. The line upon which they stood was that one false step would lead them to anarchy. The right step, which of course would be the application of the Act, would make them very good citizens. These volunteers were Congress volunteers. What did they object to ? They objected to any encroachment on the very natural and elementary right of association which this Act denied to them. They were a determined set of people—there was no wavering there. They went to jail in their thousands and in their tens of thousands by breaking this very law, knowing fully what they were doing, and determined to do it again if occasion arose. Can you call them waverers ? They did it, and there were so many of them who followed this course that you were not able to send them all to jail. To do that you would have to convert the whole of this country into an enormous jail. Well, then, what is this weapon for ? As Mr. Jinnah has said, and as I have shown in my remarks on the second reading of this Bill, you cannot possibly touch any real anarchical society. I hope I have disposed of the argument, so far as it deals with waverers.

Then it is said that such a law is not peculiar to this country. My Honourable friend has unearthed some old English Statute, in which he says that the law of unlawful assemblies is very similar to the law laid down in this Act. I am sorry I was not in the House when he made

[Pandit Motilal Nehru.]

those observations ; I shall only deal with them on the report I have received of his remarks. Well, no one has ever denied that unlawful associations have to be dealt with under the law. that there have been laws dealing with unlawful associations from the beginning of civilization, and that there will be such laws to the end of civilization. But I should like to ask the Honourable Mr. Tonkinson whether any man in England incurring the displeasure of the bureaucracy—I mean the executive, there being no bureaucracy in England—can be declared to be a member of an unlawful assembly. The objection to this Act is that it leaves in the hands of the Executive what is the province of the Judiciary. I say with confidence that there is no law of this kind in any civilized country, there never has been and never can be any such law in a civilized country in normal times, namely, in times like these. When I say " normal times " I distinguish such times from those when it becomes necessary to enforce martial law. In such times there may be any number of secret societies, and conspiracies. It is for the ordinary law to deal with them. There can be no other law which leaves it entirely in the hands of the Executive to decide whether a particular association is unlawful or not. But once a court of law holds that a particular association is an unlawful assembly, there are the provisions of the ordinary law to deal with that association. You do not want a special Act for it. The real sting of this Act lies in the fact that you rob the Judiciary of its proper function and invest the Executive with a power which it does not and should not possess in any country. That was my point, Sir. As for the reputation of this House, well, I do not know how much of it is left in the minds of my friends opposite. I think it was the weakest reed for my Honourable friend to rely upon. The reputation of this House is that it has pledged itself to the repeal of all repressive laws. That this is a repressive law can admit of no doubt. The House will only justify its traditions and its reputation if it passes this Bill.

(*Several Honourable Members* : " I move that the question be now put.")

Mr. H. Calvert (Punjab : Nominated Official) : Sir, I had hoped that it would not be necessary for me to take any part in this debate, but as several speakers have made a specific reference to the province which I represent and to happenings in that province, it seems desirable that the views held in that province with regard to the situation should be placed before the House. (*Mr. M. A. Jinnah* : " Whose views ?) Sir, the ground I tread is rather difficult, and I have no desire to wound the feelings of any people who are in sympathy with that particular association. I will only say that in that province a body of men, whom we need not further mention, started an association and registered it under the Societies Registration Act, 1860 ; that association had objects both lawful and laudable ; but, Sir, other men took possession and control of that association and diverted its aims and its activities into other channels. That association set about directly to challenge not only the authority of Government but the authority of the ordinary forms of law. It challenged, Sir, the authority of law itself, and the Law Courts and, Sir, the law that it challenged was no repressive law but the ordinary civil law of the land, the ordinary law of property.

Mr. Chaman Lall : On a point of order, may I ask the Honourable Member whether he is aware that the case is *sub judice* and he ought not to refer to it ?

Mr. H. Calvert : I refer to no case at all.

Mr. Chaman Lall : The Honourable Member has referred to the leaders of this organization. Those particular leaders are now in jail. I consider that case is *sub judice.*

Mr. President : Does the Honourable Member acknowledge that the description given by Mr. Chaman Lall is accurate ?

Mr. H. Calvert : No, Sir.

Mr. President : Order, order. Will the Honourable Member kindly tell me to what he is referring ?

Mr. H. Calvert : I am referring to the action, Sir, of associations in the Punjab, which were declared unlawful associations.

Mr. President : Is he or is he not referring to a question under the jurisdiction of a Court ?

Mr. H. Calvert : No, Sir.

I am referring to cases which have been already decided—there have been a large number of cases decided in the Punjab. I am going to deal, Sir, with what happened before the application of the Act and which led up to the trial, the trial of certain members of an unlawful association ; I am taking the period prior to the association being declared an unlawful association.

Now, Sir, we admit that this Act, which Dr. Gour desires to repeal, is a special Act of a very exceptional nature and which should only be applied in exceptional situations. There were a very large number of cases coming to courts and decided daily by the courts in which the ordinary law of the land was being defied. For two years the Government tried to use only the ordinary laws of the land. For two years various measures were put into force. We tried avoiding arrests and arresting. We tried ordinary trials under the ordinary law of the land ; we sent people to prison. We tried releasing prisoners on a large scale. Everything failed. It was only after two years of trial of the ordinary law of the land and when parties of perambulating pilgrims were sent into territory not under the authority of this Assembly that the special law was invoked. Now, Sir, the result was that a situation arose which the ordinary law of the land was unable to cope with. There are in the Assembly, Sir, many Honourable Members who are in the profession of law and they are bound by their profession to uphold the authority of the Courts. I would ask them what they would do if they were appointed judges and they found that their courts were flouted, that the law they administered was openly flouted, when they found that they gave decrees and those decrees could not be executed because their authority was defied. If, Sir, they pressed for punishment of the direct offenders, they found that they were immature youths, old men or people who were the dupes of others. If the lawyers of this House were placed in a position like that, when even the compounds of their courts are crowded with a large number of people armed and marshalled for the purpose of defying them so that they could not carry on their work, they would apply for special methods.

Now, Sir, the main point I seek to make is this, that in this province we had two years' trial of the ordinary law. Most of the convictions that have taken place in connection with this movement have been convictions under the ordinary law of the land, and I hold, Sir, that no

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evidence has been given in this Assembly that the special powers had been in any way abused. So far, this Act has been applied not only not indiscriminately but it has been applied only when matters were reaching a stage when territory outside British India was being affected. I would only add one word. In the opinion of every one responsible for maintaining in that province respect for the ordinary courts, administering the ordinary law and trying to uphold the ordinary right of person and property, in the opinion of all these people, the time for repeal of this Act has not yet come. I therefore oppose Dr. Gour's Bill.

Dr. H. S. Gour : I should like very briefly, Sir, to reply to the Honourable Mr. Tonkinson, who has defended this piece of legislation upon theoretical and practical grounds. Dealing with the law of associations, he admits that it is a right of every man to associate and to create and join associations, but he cites Professor Henry Sidgwick in support of the view that where people associate in large numbers and are a menace to the peace and integrity of the State, the State is entitled to restrain their movements and their actions. But in citing that passage, he did not place emphasis, which the author of that work necessarily did on this, namely, that all interference by the State with the liberty of man is only justified in cases of national peril and can be supported only by temporary legislation. Now, Sir, I beg to ask, is this a temporary legislation ? If it were a case..... (*Mr. M. A. Jinnah* : " Is there a national peril ? ") Is this a temporary legislation ? If it were the case, have a legislation limited by a number of years. My friend on the other side would have said " It is covered by the enunciation of the principle of Professor Sidgwick," and I ask certainly with Mr. Jinnah, are we here in a state of national peril ? Surely, Sir, even the Honourable the Home Member and his associate, who have defended this measure, have not gone the length of describing this country as in a state of national peril. Therefore, Sir, so far as the theoretical considerations are concerned, I submit they go by the board. Now, we descend from the arena of theory to that of practice. Are there any practical considerations which outweigh the initial principle to which even the Honourable Mr. Tonkinson subscribes ? I ask the Honourable Member what justification is there for the retention of this measure on the Indian Statute-book, when all the cases mentioned by the Honourable the Home Member were dealt with under the ordinary existing law ? The Honourable Mr. Tonkinson has not vouchsafed any reply to it. On the other hand, there is a tone of sub-conscious conviction in my Honourable friend's remarks when he said that there are provisions in this Act which might be modified ; and when he has admitted that fact, I submit he has paved the way for the repeal of the whole of it. Surely, Sir, it was up to the Government when they repealed Part I of the Criminal Law Amendment Act to bring in a measure for the amendment of Part II, and when we introduced this Bill in March last, we pointed out the flagrant defects in the enactment, and we gave the Government ample time and opportunity to bring these provisions in line with the dictates of modern jurisprudence. What have they done ? Even at the eleventh hour my esteemed friend Sir Chimanlal Setalvad asked the Honourable the Home Member if he was prepared to modify its provisions. What was the response ? The response was that he was not prepared to give an undertaking to that effect on behalf of Government. Now, Sir, what

is, then, there to support this measure on the grounds of practical utility or practical considerations? My Honourable friend read to the Members of this House the definition of an unlawful association. He read clause (*a*) and when clause (*b*) confronted him, he dropped it like a hot potato. He forgets altogether that, in view of clause (*b*), clause (*a*) of section 15 is unnecessary, because, on account of its large terms, clause (*b*) empowers a Local Government to declare any association as an unlawful association. Therefore, my Honourable friend Mr. Tonkinson studiously avoided mentioning clause (*b*) or justifying it, and I can only take it that he found it wholly unjustifiable. I think it was with reference to clause (*b*) that my Honourable friend conceded, by implication that there are provisions in this part of the Criminal Law Amendment Act which might be amended and improved. I, therefore, submit, Sir, that nothing whatever has been said in this long debate on this occasion and on the last occasion which in the slightest degree shakes the position of the Members on this side of the House that this piece of legislation is vicious in principle and vicious in practice and the sooner we remove it from the Statute-book the better it will be for the reputation of the Members of this Assembly. What answer has my friend given to the pledge solemnly made by the Repressive Laws Committee, who hoped that the Government would bring forward a repealing Act during the Delhi session of 1922 for the repeal of this measure. Surely, Sir, between January 1922 and September 1924 much time has elapsed. The undertaking given by the members of the Repressive Laws Committee should have made good or the non-compliance with their recommendations justified on the floor of this House. I, therefore, submit, Sir, that, because we stand committed by the recommendations made not only by the members who are representatives of the non-official Members of this House but also by the Home Member, who was a representative of the Government, we are, *prima facie*, justified and entitled to ask for the repeal of this measure. We ask for its repeal upon the first principle, namely, the freedom of men and I ask my European friends, who have struggled for the liberation of themselves and their people, to support this measure of repeal and so uphold individual liberty and the natural right of lawful associations. My friend, the Honourable Mr. Tonkinson, while conceding the principle, said that, if the case goes before a magistrate, a man can show that he is not a member of that association. I can only think that my learned friend has not read section 17, the provisions of which not only make a person, who is a member, liable to the penalty, but even a non-member and an outsider liable to punishment if he contributes or receives or solicits any contribution for the purpose of any such association or in any way assists the operations of any such association. Members and non-members, associates and non-associates, are all equally liable to punishment under the provisions of section 17 of Part II of the Criminal Law Amendment Act. Could the provisions of this section be possibly enlarged? And the question that I asked the Honourable Mr. Tonkinson was this. If the magistrate asks the accused to show cause why he should not be sentenced and he says that he is not a member of an unlawful association, it is not open to the magistrate to try the question whether the association is lawful or unlawful. That, I submit, takes away the plenary power of the judiciary to try a question upon which depends the measure of punishment. My friend, the Honourable Mr. Calvert, appealed to the legal element in this House to uphold the authority of law. Sir, I am quite

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certain that every lawyer in this House, and for that matter every Member of this House, is anxious to uphold the majesty of the law and the authority of the judiciary and it is inspired by that feeling that I ask this House to support my measure.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I do not propose to detain the House very long. In the first place, I should like to refute the statement that there has been any pledge given that the Bill should be repealed. No such pledge has been given.

Diwan Bahadur M. Ramachandra Rao (Godavari *cum* Kistna : Non-Muhammadan Rural) : May I ask the permission of the Honourable the Leader of the House to draw his attention to a paragraph which appeared in the speech of Sir Harvey Adamson when the discussion was going on in 1908 ? This is what he said :

"It has been suggested that the Bill would be more acceptable to the public if a provision were inserted limiting its operation to a stated period. We have considered this point and come to the conclusion that it is better to enact the Bill as a permanent measure. If, happily, conditions improve so as to make it apparent that its provisions are no longer wanted, it will be easy to repeal it."

The Honourable Sir Alexander Muddiman : I quite accept that. But my reference was to the Repressive Laws Committee. The facts are that the Committee definitely recommended that the Criminal Law Amendment Act should not be repealed and it is no use wasting time on endeavouring to extract a pledge by Government out of that report. Whether the law is a good law or a bad law, there is no question of a pledge to repeal it. But, as I said in my speech, if the condition of peace of the country was such as would permit of it, no one would be better pleased than I to see that the law was amended in so far as it is compatible with the peace and good government of the country. Now, the motion before the House is to repeal the law entirely. There has not been one word said—and I do not think there could be one word said—in this House in support of associations " which encourage or aid persons to commit acts of violence or intimidation or of which the members habitually commit such acts ". I cannot believe that there is a single Member in this House who desires in any way to protect those associations. Therefore, I take it, that the House do think that, in so far as the associations of the class I have quoted are concerned, there is no case against the Act as it stands. It was said by my Honourable friend that unlawful associations of that kind can easily be dealt with under the ordinary law. That is not so. Dr. Gour has just read out to you section 17 and I do not propose to take the time of the House by reading it again. But it is quite clear that section 17 read with section 15A of the Act does give very valuable power.

Now, the main complaint against the Bill is in respect of section 15, clause (*b*), which gives power to the Executive Government to notify an association as unlawful. It does give that power, and I admit that it is a very great power ; but it does not give that power in an unlimited way. It must satisfy the provisions of section 16, that is, the Local Government must be of opinion that the Association interferes, or has for its object interference with the administration of law and order. You might say—and I admit—that it is a very large power to give the Executive Government, but if the Executive Government exercises its

discretion rightly what harm follows ? Can you contend because of that the whole law should be repealed ? That is the whole question. (*An Honourable Member*: " Who is to be the judge ? ")

I wish the Honourable Member would not interrupt. I do not believe there is anybody in this House who wishes that an association rightly declared unlawful should be countenanced. You propose to repeal the whole of this Bill because you object to one clause. That at any rate is my contention.

The next point I wish to raise is this. In the course of the debate it was said that this is a law which is not a law ; though it is open to anyone to disobey it. Have we come to this stage that a man is to decide what law he is to obey ? Is that not the way in which anarchy lies ? Are we to be allowed to pick and choose our laws ? That is no argument for the repeal of a law. I may have a fondness for forgery, but no Legislature is going to repeal that law because I do not like the laws against forgery.

Sir P. S. Sivaswamy Aiyer (Madras : Nominated Non-Official) : May I ask if Government are willing to cut out clause (*b*) ?

The Honourable Sir Alexander Muddiman : If the Honourable Member had raised the point before I might have been in a position to give him a definite answer. It is not for myself but for the Government of India that I speak, and I suggest that it is not fair to ask me to make a statement of that kind at the last moment.

Dr. H. S. Gour : That was the question put by the Honourable Sir Chimanlal Setalvad.

The Honourable Sir Alexander Muddiman : What he proposed was that an appeal should be allowed from the Executive Government to the judicial authorities. (*An Honourable Member*: " Even that has not been done.") A suggestion has been made by other speakers that you may notify a member of an association. You do not do that. You notify the association.

Mr. Jinnah asked me to show him any country in the world where legislation of this kind exists in normal times. The point is that these are not normal times. These are abnormal times. When I am told that there are dangerous conspiracies in the land I certainly do not think that these are normal times.

Another point he made was that no Government could ever come to the Legislature and ask for legislation of this kind in normal times. We are not asking for legislation ; we are endeavouring to maintain legislation that was given to us in abnormal times, and which we are desiring to maintain in times which I regard as abnormal.

My Honourable friend, Pandit Motilal Nehru, drew a picture of Government on the edge of a precipice. If that is so, I am not one of those who would neglect to hold on to any rope I can. Certainly this is not the time to cut away ropes.

Then another gentleman objected, when my Honourable friend was speaking, and said we always had the powers to make a declaration of martial law. Is that a reasonable proposition for any civilised Government ? (*A Voice* : " Is it a civilised Government ? ") Are we to wait until the forces of disorder burst upon us, and we are left to the last resort

[Sir Alexander Muddiman.]

of Government ? You say that this law is no good against anarchy. I am not prepared to say that. Even if it is not, I am still prepared to retain it.

It has been said that these matters can be dealt with under the ordinary law. Well, there you contend on the one hand that this is an extraordinary law and it therefore must go, and, on the other, that extraordinary situations can be dealt with under the ordinary law. It must be admitted by everybody in this House that there comes a time when the ordinary law cannot work on account of the terrorism of witnesses, mass movements, intimidation, etc. A man even of considerable courage may be intimidated and afraid to give evidence. If one man came to my house and sat on my doorstep it would not perhaps intimidate me ; but if 500 or 1,000 came into my compound and refused to leave, it would seriously intimidate me. When you get to that stage the ordinary law does not function. The ordinary law presumes that a man will give evidence if wanted. When you get to the stage when no one will give evidence for you, the police will not take up your case, and the court having insufficient evidence cannot convict, it is then that these extraordinary measures are necessary.

I do beg the House to consider the position. I am not going to repeat all I said about Bengal. It was not for the purpose of endeavouring to get a catch vote ; it was really with the object of impressing on the House the position in that province. The list of occurrences I read to you was read with the object of bringing before you not arguments but what has actually occurred. It has found confirmation in other quarters.

One other point. I heard my Honourable friend opposite say that all other so-called repressive laws must go. That is a much more serious proposition. It is not necessary for me to deal with it, but his declaration will provide matter for consideration.

In conclusion, I have nothing more to say to the House than this, that here we are in times that are not normal. We have something in our hands which the Legislature gave us which we ask you not to take away from us. If you do, if you take away all these powers, then there is no stage left between the ordinary law and martial law. (*A Voice* : "Good government !") I trust the Government is good already. (*A Voice* : "Self-government !") Surely no man can seriously believe that a change in the form of Government will be a universal panacea.

With these words I oppose the motion.

Mr. President : The question is :

"That the Bill to repeal certain provisions of the Indian Criminal Law Amendment Act, 1908, be passed."

The Assembly divided :

AYES—71.

Abdul Karim, Khwaja.
Abhyankar, Mr. M. V.
Acharya, Mr. M. K.
Ahmad Ali Khan, Mr.
Aiyangar, Mr. C. Duraiswami.
Aiyangar, Mr. K. Rama.
Aiyer, Sir P. S. Sivaswamy.
Alimuzzaman Chowdhry, Mr.
Aney, Mr. M. S.
Badi-uz-Zaman, Maulvi.
Belvi, Mr. D. V.
Chaman Lall, Mr.
Chanda, Mr. Kamini Kumar.
Das, Mr. Bhubanananda.
Das, Mr. Nilakantha.
Datta, Dr. S. K.
Duni Chand, Lala.

Dutt, Mr. Amar Nath.
Ghazanfar Ali Khan, Raja.
Ghulam Bari, Khan Bahadur.
Goswami, Mr. T. C.
Gour, Dr. H. S.
Gulab Singh, Sardar.
Hans Raj, Lala.
Hussanally, Khan Bahadur W. M.
Hyder, Dr. L. K.
Ismail Khan, Mr.
Iyengar, Mr. A. Rangaswami.
Jeelani, Haji S. A. K.
Jinnah, Mr. M. A.
Joshi, Mr. N. M.
Kartar Singh, Sardar.
Kasturbhai Lalbhai, Mr.
Kazim Ali, Shaikh-e-Chatgam, Maulvi Muhammad.
Kelkar, Mr. N. C.
Lohokare, Dr. K. G.
Mahmood Schamnad Sahib Bahadur, Mr.
Malaviya, Pandit Krishna Kant.
Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jamnadas M.
Misra, Pandit Shambhu Dayal.
Misra, Pandit Harkaran Nath.
Murtuza Sahib Bahadur, Maulvi Sayad.
Mutalik, Sardar V. N.
Nambiyar, Mr. K. K.
Narain Dass, Mr.
Nehru, Dr. Kishenlal.
Nehru, Pandit Motilal.
Nehru, Pandit Shamlal.
Neogy, Mr. K. C.
Patel, Mr. V. J.
Piyare Lal, Lala.
Purshotamdas Thakurdas, Sir.
Ramachandra Rao, Diwan Bahadur M.
Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed.
Rangachariar, Diwan Bahadur T
Ranga Iyer, Mr. C. S.
Ray, Mr. Kumar Sankar.
Reddi, Mr. K. Venkataramana.
Samiullah Khan, Mr. M.
Sarda, Rai Sahib M. Harbilas.
Sarfaraz Hussain Khan, Khan Bahadur.
Shafee, Maulvi Mohammad.
Shams-uz-Zoha, Khan Bahadur M
Singh, Mr. Gaya Prasad.
Sinha, Mr. Ambika Prasad.
Sinha, Kumar Ganganand.
Tok Kyi, Maung.
Venkatapatiraju, Mr. B.
Vishindas, Mr. Harchandrai.
Yusuf Imam, Mr. M.

NOES—40.

Abdul Qaiyum, Nawab Sir Sahibzada.
Abul Kasem, Maulvi.
Ajab Khan, Captain.
Akram Hussain, Prince A. M. M.
Bhore, Mr. J. W.
Blackett, the Honourable Sir Basil.
Burdon, Mr. E.
Calvert, Mr. H.
Chalmers, Mr. T. A.
Chatterjee, The Honourable Mr. A. C.
Cocke, Mr. H. G.
Crawford, Colonel J. D.
Duval, Mr. H. P.
Fleming, Mr. E. G.
Gidney, Lieut.-Col. H. A. J.
Hezlett, Mr. J.
Hindley, Mr. C. D. M.
Hira Singh, Sardar Bahadur Captain.
Holme, Mr. H. E.
Hudson, Mr. W. F.
Innes, The Honourable Sir Charles.
Lindsay, Mr. Darcy.
Lloyd, Mr. A. H.
Makan, Mr. M. E.
Monerieff Smith, Sir Henry.
Muddiman, The Honourable Sir Alexander.
Muhammad Ismail, Khan Bahadur Saiyid.
Nag, Mr. G. C.
Naidu, Mr. M. C.
Parsons, Mr. A. A. L.
Rushbrook-Williams, Prof. L. F.
Sams, Mr. H. A.
Sastri, Diwan Bahadur C. V. Visvanatha
Singh, Rai Bahadur S. N.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Tottenham, Mr. G. R. F.
Webb, Mr. M.
Willson, Mr. W. S. J.
Wilson, Mr. B. A.

The motion was adopted.

THE INDIAN EVIDENCE (AMENDMENT) BILL.

Mr. K. Rama Aiyangar (Madura and Ramnad *cum* Tinnevelly Non-Muhammadan Rural): Sir, I beg to move:

"That the Bill further to amend the Indian Evidence Act, 1872, be referred to a Select Committee consisting of Mr. M. A. Jinnah, Mr. B. Venkatapatiraju, Khan Bahadur Ghulam Bari, Diwan Bahadur C. V. Visvanatha Sastri, Sir Henry Moncrieff Smith, Diwan Chaman Lall, Sardar V. N. Mutalik, Sardar Gulab Singh, Dr. H. S.

[Mr. K. Rama Aiyangar.]

Gour, Mr. M. C. Naidu and myself, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

I have already got the leave of the House. The main point of the Bill is that the law relating to mortgage, as has been explained in the recent decision of the Privy Council, necessitates proof that the attestor actually saw execution by the executant. Unless that is done, even though there is no defence in the case, the suit will have to be dismissed. Simply because the attestors are kept out, or even though they come they do not say that they actually saw the execution by the executant, the suit stands dismissed. Of course, the discussions in that ruling will clearly show that the provision is intended to avoid frauds being committed. I am of opinion that the substantive law is all right and must be so, but the real question is whether, when there is no defence and when by some means the attestors are kept out, or even if they come they are made to say that they did not see the executant sign the document, when those things happen, whether the suit should stand dismissed. Attempts have been made more than once here to amend the law suitably to avoid any injustice being done in these cases. Of course, the question arises whether the Transfer of Property Act, section 59, could be amended to give the needed relief, or section 68 of the Indian Evidence Act. In fact, I wanted to amend section 114 of the Indian Evidence Act to give this relief on a previous occasion, but on an objection taken on behalf of the Government leave was not granted to me to amend section 114. The scope of this Bill is such that it will include an amendment of any of the sections so as to give the required relief. In fact, I may say that the scope and principle of this Bill is to find a suitable amendment. I also refer in the Statement of Objects and Reasons to the wording of section 59 of the Transfer of Property Act, " signed by the mortgagor and attested." " Attested " under the Evidence Act should include proof of the fact of acknowledgment by the signatory, but under the law as has been now laid down by the Privy Council it is not possible to allow proof in that form before the courts of justice. The courts feel hampered, the parties feel hampered and justice requires that something must be done. I, therefore place it before the Assembly so that a Select Committee may go into the question. It has been suggested by some of my Honourable friends that the wording should be changed. For that and other reasons I beg to move that a Select Committee be formed to consider this matter. I move the motion standing in my name.

Sir Henry Moncrieff Smith (Secretary, Legislative Department): Sir, I regret that I have to oppose my Honourable friend's motion, in the first place, because he has done me the honour to invite me to serve on the Select Committee, secondly, because I realise his earnestness in endeavouring to bring about a change in the law regarding attestation, and thirdly, because everybody recognises the great industry he has displayed in drafting Bills on this subject. He has himself referred to the fact, and it will be within the recollection of the House, that in February last he tried to effect the very same object, that he has now, by a Bill to amend a certain provision of the Indian Evidence Act. He has told the House that leave to introduce the Bill was refused because the Assembly was of opinion that it was not the right way to set to work about it. I am not quite sure that my Honourable friend does this House full justice in that matter. I had to oppose Mr. Rama Aiyangar's motion on that occasion on two

grounds. One was that the drafting of the Bill was unsatisfactory and the order was that the principle of the Bill was bad. At all events the House did not consent to any change in the law in this respect. Now, to a large extent my objections to this Bill are the same as they were last February in connection with my Honourable friend's first Bill. As regards the drafting Mr. Rama Aiyangar has admitted that his language is not perfect. I do not propose to say anything about the language because I recognise that it may be possible to put that right in the Select Committee. I am not satisfied that even so my Honourable friend is going the right way to work to effect the change in the law which he requires. The Privy Council, dealing with this subject, laid down in the case to which my Honourable friend has referred, that is, I. L. R. 35 Madras, that it was clear that the Indian Legislature intended in section 59 of the Transfer of Property Act to use the word "attest" in the same sense in which it is used in the English law, that is to say, they said "attested" in section 59 means "proved by the evidence of a witness who saw the execution, who actually witnessed the signature of the executant of the document." My Honourable friend proposes to amend the Indian Evidence Act, and to leave section 59 of the Transfer of Property Act unchanged, and without any change in the wording of section 59 of the Transfer of Property Act he assumes that the word "attest" by reason of this Bill which he has introduced will acquire another meaning, a meaning different from that meaning which the Privy Council has ascribed to it. Therefore, Sir, I am not at all convinced that the proper way to effect his object is by a mere amendment of section 68 of the Indian Evidence Act. The House will remember that the object has been achieved in another way in another law. If my Honourable friend will refer to section 50 of the Indian Succession Act (Act X of 1865) he will find that there is quite an elaborate definition of the word "attest" and an elaborate description of the methods of *attestation* in regard to wills. Therefore if our law is to be consistent in its methods the proper place to provide for this amendment in the law is probably in section 59 of the Transfer of Property Act, or in some place in that Act at all events, and not by an amendment of the Evidence Act alone. But I have a further objection to the Bill on principle; and if I have to repeat some of the remarks I made in opposing the introduction of the Honourable Member's Bill in February it is because the arguments I then used seem to me to apply with equal force to the Bill which is at present before the House. My Honourable friend said that the Privy Council have laid down what is the law on the subject in India,—the law of attestation of mortgages—but as I pointed out to him on the previous occasion I think the Privy Council went very much further than that. They not only laid down what the law was but they indicated very clearly their opinion that this is what the law should be, in other words, that no change in the law was desirable. In that case, reported in 35 Madras, the Judicial Committee reviewed a large number of English cases on this point. They quoted with approval from various judgments of the English courts. With reference to an argument that attestation in England meant no more than what my Honourable friend desires it should be, namely, the evidence of a witness who says that in his presence the executant acknowledged his signature, the Privy Council said that this extended construction would be "a dangerous determination and destructive of those barriers the statute erected against perjury and frauds". They also said in regard to the particular case that was then before them, after having explained that

[Sir Henry Moncrieff Smith.]

the word "attested," in their opinion, was used in the Indian law in the same sense in which it was used in the English law that :

"section 59 of the Transfer of Property Act in requiring that in a certain class of cases a mortgage can be effected only by a registered instrument signed by the mortgagor and attested by at least two witnesses, could only mean that the witnesses were to attest the fact of execution. Any other construction, in their Lordships' opinion would remove the safeguards which the law clearly intended to impose against the perpetration of frauds."

And later on they say :

"Nor do their Lordships agree with the view expressed by the learned Judges (that is the Judges of the Madras High Court) regarding the policy of placing a larger construction on the word in consequence of the social institutions of the country. Those very institutions, their Lordships consider, make it necessary that the barriers against perjury and fraud to use the language of the Master of Rolls, in Ellis v. Smith" (which I have just quoted) "should not be removed upon speculative considerations."

That very clearly indicates, Sir, that deliberate safeguards were placed into our law and that the Judicial Committee expressed their approval of the existence and the maintenance of those safeguards. This House has more than once posed as the champion of the poor man and the man of the lower classes who has to find himself in opposition at times to those who are in a better position and well-to-do. Now, the question arises in this case, Sir, who really requires protection. It is a case of the money-lender against his debtor. The law has thought fit to afford certain safeguards to the debtor. Does this House think it desirable that those safeguards should be whittled away and that the law should be made easier for the money-lender ? That is not the line that the Legislatures in this country have taken so far. It is not very long ago that the Central Legislature passed a Usurious Loans Act. The House is well aware that in several provinces there are laws placing restrictions on the alienation of land and the object of those laws is in every case to protect the improvident person from the money-lender in his part of the world. At one period of my career, Sir, I was a Judge. I am not a lawyer and it is with some diffidence I am speaking on this matter in a House in the composition of which there are so many eminent lawyers. In my experience as a District Judge, at one period, 80 or 90 per cent. of the appeals that I tried from subordinate civil courts were appeals in mortgage cases, and my experience of those cases was this, that there was no necessity whatever to make things easier for the money-lender. It was the mortgagor in every case who was up against difficulties and who had always found it hard to establish that the case against him was a false case, even when there was really very little doubt that the case was a false one, that the mortgage deed was a forgery. To a certain extent my Honourable friend's Bill shifts the burden of proof. The law has laid down that strict proof is required in the case of a mortgage for the reasons which I have already advanced; and my friend without exactly shifting the burden of proof to the other party proposes to make it easier for the holder of a mortgage deed to prove execution. That, Sir, is a direction in which this Legislature should not consent to go. Further it is most certainly a matter into which, I think, the law should not introduce presumptions. There should be strict proof on one side or the other in this matter. My Honourable friend's Bill introduces a presumption in the matter. That goes back possibly to the drafting question; but as he has drafted the Bill I think it would be rather difficult to get away from his idea of bringing in a presumption. Attestation is a matter of solemnity. It is a solemn procedure and

I think it should remain so. There is one more difficulty about my Honourable friend's Bill. How long after execution does he contemplate that an attesting witness will be able to appear, to sign a deed and to say "the executant acknowledged his signature in my presence"! Perhaps 25 years ago a mortgage deed was signed or purported to be signed. There was no attestation at all at that time. For 25 years or so, that mortgage deed remains an invalid document, it cannot be proved; and then one day comes the mortgagee with a witness who says "Yesterday the mortgagor acknowledged that he signed this in my presence and I accordingly signed it myself as an attesting witness." There is a mortgage deed which certainly becomes validated by my friend's legislation and which for 25 years has been an utterly worthless and invalid document. That is a matter that will have to be very carefully looked into, and I do not see how anything could be welded on to this Bill to remove that particular defect.

My friend referred to *ex parte* cases and the difficulty experienced in cases where the defendants do not appear, or in cases where execution was even admitted, but I am unable to see in what way his Bill will remove these difficulties. And I am not at all sure that if there are difficulties that they ought to be removed. This House is well aware that in certain parts of India and in Burma there is a regular trade in fraudulent suits. A suit is brought; a corrupt process server appears in court and says "I served a summons on the defendant". That summons was never served. There are various ways of proving that a summons was served when it never has been served; an *ex parte* decree is obtained and after the defendant is put to the greatest difficulty first of all in getting the *ex parte* decree set aside and then in contesting the suit. I feel, Sir, that in this matter of *ex parte* decrees it would be very dangerous to make things easier for the decree holder.

This is not by any means the first time or even the second time that this matter has come before this House. As I explained in February, there was a Bill in 1916 introduced by my Honourable friend Pandit Madan Mohan Malaviya. In the course of that Bill my Honourable and learned friend tried to amend the law in the very way in which my friend Mr. Rama Aiyangar is now seeking to do; and, Sir, it was not the House on that occasion that rejected his proposal. My learned friend withdrew it himself. He did not press it I think because he realized the difficulty. Then, four or five years later, Mr. Rangachariar, who is still a Member of this House, also introduced a Bill on this subject. Again the House affirmed the principle that it would not alter this law on the subject of attestation; and for the third time in February last the House rejected the Bill of my Honourable friend. I cannot see, Sir, that circumstances have so changed that the Central Legislature should now reconsider the matter. I think the House should be consistent and should refrain from proceeding with this Bill, the principle of which I think is objectionable, and it is that principle my Honourable friend now asks the House to agree to when he moves that the Bill be referred to a Select Committee. I hope the House will not agree to that motion.

Dr. H. S. Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : The Honourable Sir Henry Moncrieff Smith has attacked the principle of this Bill, and in doing so he has quoted the words of the Privy Council who in the Madras case laid down that any thing but

[Dr. H. S. Gour.]

the narow view which their Lordships were enunciating would remove the barries against perjury and fraud. May I ask my learned friend here whether in laying down the law their Lordships of the Privy Council have not unconsciously swept away the barriers against perjury and fraud, and whether it is not a fact that since the enunciation of that novel doctrine by that august tribunal the prices of attesting witnesses have not gone up by leaps and bounds, and whether it is not a fact that a mortgage suit has become a mere gamble in which the mortgagee stands to gain or lose according to whether he is prepared to suborn attesting witnesses or not. Now Sir, I beg to submit that I am somewhat surprised that the Honourable Sir Henry Moncrieff Smith should have called into requisition his somewhat antiquated experience as a District Judge. I refer, Sir, to the Honourable Members of this House, what they feel every day in their practice and whether it is not a fact that this enunciation of the law by the Privy Council has wrought incalculable mischief in the administration of the law relating to mortgage. My Honourable friend says that you must not make the law easier for the money-lender ; but has my Honourable friend adverted to the fundamental doctrine which underlies the law of attestation from a time immemorial. When Gladstone wrote his celebrated commentaries, an attesting witness was supposed to be the contemporaneous repository of the facts and circumstances attending the execution of a document ; and the reason why the Indian Evidence Act requires the calling of on attesting witness to prove execution of the document is not that he saw the executant affix his signature, but because he is the living witness who can depose to the facts and circumstances which led up to the execution of the document—he is the witness who tells you how the contract was made, how the negotiations developed, under what circumstances whether of fair play or fraud the execution of the document was brought about. That is the object of attestation. Their Lordships of the Privy Council say that an attesting witness is a witness who saw the executant affix his signature or mark to a mortgage deed. Now Sir, let me illustrate to you a simple case. A witness is present before and during the execution of a document. He knows all the circumstances attending its execution, but just when the signature is being affixed he happens to be accidentally absent. He comes before the court and says : " I know all about the execution of this document. I know the executant ; I know all the negotiations that took place between the executant and executee. I know the circumstances which brought about this transaction, but just at the moment of time when he was affixing his signature I happened to be absent ". I ask, Sir, as a man of common sense what would be your verdict ? Would you not say that that man is a competent witness and is able to prove the execution, namely, the making of that document ? And yet their Lordships of the Privy Council have ruled out his evidence as inadmissible for the purpose of proving the execution of a document as required by section 59 of the Transfer of Property Act. Well, Sir, I submit that that narrow view of the meaning of " attestation " should not find acceptance upon the floor of this House. My Honourable friend has referred to the previous history of attestation in this country. If I remember aright, my friend Pandit Madan Mohan Malaviya's Bill was limited to the United Provinces and it was with reference to mortgages that were executed in the United Provinces where the wider view I am advocating prevailed till the current view of the High Court was overruled by the

Privy Council. With reference to the Honourable Mr. Rangachariar's Bill, I did have some part in opposing it, but not on the ground of principle. I was in full sympathy with the principle, but his Bill was ill-conceived, and I am afraid, Sir, on that very ground I have the misfortune to oppose my friend, Mr. Rama Aiyangar's Bill, for while I admit that you must change your law of attestation—and I further go and say that the law of attestation must be changed at the instance of the Government—I am afraid, when we examine the detailed provisions of this Bill, I find that my friend is trying to amend a wrong Act of the Indian Legislature. What he should have done is to add an *Explanation* to section 59 or an interpretation clause to section 3 of the Transfer of Property Act where he can define the meaning of the words "to attest", by adding words, something to the following effect: "the words 'to attest' in this Act include an admission" and so forth. If he had done that, I have not the slightest doubt that this House would have accepted his motion, but when he wishes to modify the provisions of the Indian Evidence Act, he is doing circuitously what the circumstances of the case require that he should do directly. He should have taken the bull by the horns and either added an *Explanation* to section 59 of the Transfer of Property Act and said "the words 'to attest' in this section include an admission", or, as I have suggested, he should have added an interpretation clause to section 3 of the Transfer of Property Act. Not having done that, I am afraid I shall be constrained to vote against his Bill, but not because I do not agree with the principle. I have always agreed with the principle, and my friend the Honourable Mr. Rangachariar is a witness to the fact that when he brought forward a similar Bill, I entirely supported the principle, though in his case also I was constrained to vote against it on the ground that the proposal of the Honourable Mr. Rangachariar was wrong in its details. I am afraid I shall have to do the same to-day, and I would therefore ask my friend to withdraw his Bill and redraft the Bill for the amendment of the Transfer of Property Act on the lines I have suggested; and I have not the slightest doubt that if he does so, his Bill will find a smooth passage in this House.

Mr. H. E. Holme (United Provinces: Nominated Official): Sir, I do not wish to repeat the hackneyed saying that hard cases make bad law. But surely the case cited by the Honourable Dr. Gour would be a very exceptional, if not for practical purposes an impossible case. Here is a man who knows all the circumstances of the attestation, he has been there during the whole of the proceedings, and yet at the very instant at which the executant affixed his signature to the document, he happens to be unavoidably absent. Surely, as the Honourable Sir Henry Moncrieff Smith pointed out, an attestation being a solemn act, the man who had been specially called to witness the execution, would not be absent at the exact time when it took place. There is one other point I wish to refer to, and that is that in the Statement of Objects and Reasons it is mentioned that:

> "The decision of the Privy Council has caused considerable difficulty in administering justice even when a party is *ex parte* or admits execution, if the attestors are gained over."

I cannot see what cause will remain if the attestors are gained over, whether this Bill is passed or not. It is certainly a most deplorable state of things and one which often occurs I am afraid (and for some reason or other it has occurred with greater frequency since the Privy Council decision, although I cannot see what that has to do with it) when the attestant

[Mr. H. E. Holme.]

is bribed or threatened or won over in some way, but if he falsely denies having seen the executant affix his signature, surely under those circumstances he can equally deny that the executant has acknowledged his signature, and that would make no difference. Moreover, I think there is a section in the Evidence Act, I forget the number, which says that if the attesting witness denies or does not recollect the execution of a document, the execution may be proved by other evidence. (*Dr. H. S. Gour* : "That is a presumption of law.") Surely it is, I should be very much surprised if it was not, in the Evidence Act. (*Mr. H. Tonkinson* : "Section 71.") That, I think, amply meets all the objections as far as the corruption of attesting witnesses is concerned. It simply means that if they are won over, the provision of the Evidence Act, which requires their evidence is wiped out and the law becomes the same as if the document is not required to the attested. Sir, it appears to me for the reasons already given that the Bill is unnecessary and will not affect the object which is aimed at. I therefore oppose it.

Sir P. S. Sivaswamy Aiyer (Madras : Nominated Non-Official) : Sir, I am in sympathy will the objects of the Mover of this Bill, and I think there is a case for some alteration in the law. But I am afraid that the method which he has chosen is not exactly the right method of achieving this end, and I think it is justly open to some of the criticisms which have been made against the Bill by the Honourable Sir Henry Moncrieff Smith. I do not propose to criticize the drafting of the Bill. The proper method of achieving the object which the Honourable Mr. Rama Aiyangar has in view seems to me to be the amendment of section 59 of the Transfer of Property Act, and here I should like a ruling from the Chair as to whether the Select Committee would be acting *ultra vires* if they changed a Bill to amend the Evidence Act into a Bill to amend the Transfer of Property Act. If you, Sir, hold that it would be competent to the Select Committee to do that, I am quite willing that it should go to the Select Committee. On that matter I know you have allowed considerable latitude to the Members of this House, but I wish to know whether you would be prepared to stretch that latitude to this extent. If you are prepared to do so, I should support this motion for referring the Bill to the Select Committee.

Passing on, Sir, to the other criticism which has been made by Sir Henry Moncrieff Smith with regard to the policy of requiring the attestation of two witnesses with regard to mortgages what I should like to observe is this, that you may retain the formality of attestation, but as to what exactly "attestation" should mean, you may interpret it liberally. For instance there is one class of instruments which are at least as important as mortgages and that is wills. Now with regard to wills under section 50 of the Indian Succession Act the word "attestation" is used in a wider sense. Under section 50 it is stated :

> "The will shall be attested by two or more witnesses each of whom must have seen the testator sign or affix his mark to the will, or have seen some other person sign the will, in the presence and by the direction of the testator, or have received from the testator a personal acknowledgment of his signature or mark, or of the signature of such other person."

Those are the lines on which I think some alteration of the law is required with regard to the meaning of "attestation" in the Transfer of Property Act. If it were competent to the Select Committee to go into this question under your ruling and introduce some such amendment, I shall not mind in the least ; but if it is not so competent, I hope my frjend Mr. Rama

Aiyangar will withdraw this Bill and introduce another Bill and I hope that it may not share the fate of my friend Mr. Rangachariar's Bill but will meet with the same generous reception that the present Bill has received from the Honourable Dr. Gour.

Mr. N. M. Joshi : I move that the question may now be put.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : Sir, reference has been made to the Bill which I sought to bring before this House in 1921. I then adopted the deliberate course of bringing into line all documents relating to transfers of property dispensing with compulsory attestation of documents. The Transfer of Property Act makes a distinction as to the method of executing documents including attestation in respect of various classes of transfers. In the case of sales and in the case of exchanges, the law does not make it obligatory that the document should be attested, whereas in the case of mortgages and gifts the law requires that the document should be executed and attested by at least two witnesses. I considered what course to adopt, whether to bring the definition of " attestation " into line with the definition of " attestation " in the Indian Succession Act or to drop this compulsory provision requiring attestation. I adopted the latter course and brought the Bill before the House and took its vote on that principle, namely, whether there should be compulsory requirement as regards attestation. The House refused to accept my view, namely, that it should be dispensed with. But, on the other hand, the opinions then received were largely in favour of the first alternative, namely, to bring the definition of " attestation " into line with the definition as in the Indian Succession Act, and I take it that my Honourable friend Mr. Rama Aiyangar has got that object in view. Unfortunately, he has chosen the wrong Act to apply the remedy ; and I therefore join with my Honourable friend Sir Sivaswamy Aiyer in requesting him to withdraw this Bill and bring in a Bill to amend the Transfer of Property Act or to introduce a general definition of " attestation " in the General Clauses Act. One of the two courses might be adopted to achieve the object he has in view, and I therefore press upon him to withdraw the motion.

Mr. President : Sir Sivaswamy Aiyer has put to me a point of importance to which I think the answer must be obvious. (At this stage Mr. K. Rama Aiyangar rose to speak.) What does the Honourable Member want ? He knows that the President is in possession of the House.

Sir Sivaswamy Aiyer has put to me a point of importance to which I think the answer must have been obvious to him. It would be *ultra vires* on the floor of this House to propose such an amendment ; it must certainly be *ultra vires* in the Select Committee.

Mr. K. Rama Aiyangar : May I point out, Sir, with reference to the President's ruling, I say in the Statement of Objects and Reasons :

> "It is proper that the needed amendment must be made to section 59 of the Transfer of Property Act or section 68 or section 114 of the Indian Evidence Act. It is submitted that though the substantive law may continue as before, the proof needed may be modified so as to give scope for justice being rendered where formal impediments stand in the way."

I also say in the last paragraph :

> "The scope and principle of the Bill is to find the suitable amendment. It might be noted that in section 59 of the Transfer of Property Act the words used are ' signed by the mortgagor and attested '."

I have mentioned it with the view that the President may in a case of this kind, if there is difference of opinion, allow the matter to be considered

[Mr. K. Rama Aiyangar.]

and suitable amendment made. Of course if the Select Committee decides on a suitable amendment other than that which I propose, I should have no objection to withdraw my Bill. But I want to make my observations before I am prepared to follow the advice that has been given to me by my Honourable friends, for whom I have got the greatest regard. I must mention that the whole position taken by the Honourable Sir Henry Monerieff Smith is that it is better to place some difficulty before the House, so that the matter is not taken up as early as possible. That seems to be the actual trend of events. Section 59 was sought to be amended; section 114 was sought to be amended and other attempts were made, but every time this kind of objection is put forth. Dr. Gour's idea of course is worth noticing. But if section 59 is left as it is and attestation is made to include the provision that he refers to, I really do not know if the object, which their Lordships of the Privy Council have brought forth so clearly in the decision, will be achieved. Therefore it is that I took the view that it would be better to make proof in cases of such documents possible to courts, so as to decide properly on the merits and in the interests of justice. That was the view that I took. As regards the point that was made by my other friend relating to section 71, I have read that section of the Evidence Act closely, and it will be seen that it refers to cases where the attestor denies his signature or where he does not remember, but it does not refer to a case where he remembers but he begins to say that he did not see the executant sign. That does not apply to that case. I have read that section carefully and it will not apply to the case that I referred to.

Mr. H. Tonkinson: Section 71 reads as follows:

"If the attesting witness denies or does not recollect the execution of the document, its execution may be proved by other evidence."

I am afraid my Honourable friend's last statement is not in accordance with that section.

Mr. K. Rama Aiyangar: It is not a question of not remembering, but it is a question of remembering but saying that he did not see the executant sign it. That question also arises. It would not cover all the cases. If you will please note it, you will see that what I say is all right. That question it is that has to be solved by this present amendment that I propose. Therefore, the whole question is a question of difficulty. I do not want just to have it settled on the floor of this House as to which is the proper thing to do. That that amendment is needed is almost conceded by all my friends. If it goes to the Select Committee, I have requested that they may have scope to amend any one of these sections. On the ruling of the President, the matter will stand. I want the whole thing to be taken up and disposed of. If they consider and decide that it should be by an amendment of another section, I shall have no objection to withdraw this Bill and then bring in another Bill. At this stage I submit I wanted specially that this kind of argument ought not to be brought forth before the House to see that it is shelved. I only want to dispose of this without any further delay.

Mr. President: The question is:

"That the Bill further to amend the Indian Evidence Act, 1872, be referred to a Select Committee consisting of Mr. M. A. Jinnah, Mr. B. Venkatapatiraju, Khan Bahadur Ghulam Bari, Diwan Bahadur C. V. Visvanatha Sastri, Sir Henry Monerieff Smith, Diwan Chaman Lall, Sardar V. N. Mutalik, Sardar Gulab Singh, Dr. H. S. Gour, Mr. M. C. Naidu and Mr. K. Rama Aiyangar, and that the number of members

whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was negatived.

The Assembly then adjourned for Lunch till Ten Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Ten Minutes to Three of the Clock, Mr. President in the Chair.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly : Sir, the following Message has been received from the Secretary of the Council of State :

"I am directed to inform you that the Council of State have at their meeting of the 23rd September 1924 agreed, without any amendments, to the Bill to consolidate, amend and extend the law relating to the levy of duties of customs on articles imported or exported by land from or to territory outside India, which was passed by the Legislative Assembly on the 19th September 1924."

THE INDIAN REGISTRATION (AMENDMENT) BILL.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : Sir, I beg to move :

"That the Bill further to amend the Indian Registration Act, 1908, be referred to a Select Committee consisting of the Honourable the Home Member, Sir Henry Monerieff Smith, Mr. K. Rama Aiyangar, Diwan Bahadur C. V. Visvanatha Sastri, Diwan Chaman Lall, Mr. G. C. Nag, Mr. K. Ahmed and myself, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

Sir, this is a very short Bill and my object is explained in the Statement of Objects and Reasons. Under the Indian Registration Act, as it stands, as Honourable Members are aware, if the executant of a document appearing before a Sub-Registrar denies the execution of the document, the Sub-Registrar has no option but to refuse registration and the party has to go up to the District Registrar and ask him to make the necessary inquiries in order to get the document registered. There was a time, no doubt, when Sub-Registrars were not sufficiently educated or sufficiently responsible to be entrusted with this duty of inquiring into the execution of documents. As it is, Honourable Members will have noticed that Sub-Registrars are authorised by other sections of the Act to hold inquiries in certain other matters. However innocent the document may be and however small and insignificant it may be, the parties are compelled to resort to district headquarters, to go before the Registrar, to get proof of its execution and get the registration completed. It is to obviate this difficulty that I have brought in my Bill. That is the principle underlying the Bill. I seek to do so by enabling Local Governments to authorise Sub-Registrars to perform the functions of the Registrar. Whether that is the right method or some other method can be devised in the Select Committee, is a matter for further consideration.

I notice on the agenda a motion by my friend the Honourable Mr. Tonkinson, that the Bill should be circulated for opinion. I agree with him, Sir, that in a matter like this opinion should be taken and am quite willing to accept that motion if it should be made.

Mr. H. Tonkinson (Home Department : Nominated Official) : Sir, I move :

"That the Bill further to amend the Indian Registration Act, 1908, be circulated for the purpose of eliciting opinion thereon by the 1st February 1925."

[Mr. H. Tonkinson.]

Sir, as my Honourable and learned friend Mr. Rangachariar has agreed that this is not an inappropriate motion to make on this occasion, I do not desire now to question either the principle of the Bill or its form. As my Honourable friend has explained, the Bill is a permissive one and it will be for the Local Governments to decide whether in any particular case a Sub-Registrar should be given the powers which it will be possible to give if this Bill becomes law. My one point, Sir, is that Registration is a transferred subject and this Bill proposes an amendment in a law relating to Registration. Now the responsibility for the administration of that subject is vested in the Ministers. Some of us here may have had at one time or another some considerable experience—perhaps antiquated experience—in regard to the control of this subject. But that, Sir, must have been in other capacities. But now, especially when this subject is a transferred one, we receive no direct information in regard to the administration of the subject of Registration. Many Honourable Members also are interested in the question of the attainment of provincial autonomy and I submit, Sir, that the growth of such autonomy would be seriously impeded if, in a case where the administration of a subject has been transferred to Ministers, we, in this Legislature, proceed to amend that law without obtaining the views of the responsible Ministers.

Sir, with these words I move my amendment.

Mr. President : Amendment moved :

"That the Bill further to amend the Indian Registration Act, 1908, be circulated for the purpose of eliciting opinion thereon by the 1st February 1925."

The question I have to put is that the Bill be circulated.

The motion was adopted.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : Sir, I beg to move :

"That the Bill to provide that, when firearms are used for the purpose of dispersing an assembly, preliminary warning shall, in certain circumstances, be given, be referred to a Select Committee consisting of the Honourable the Home Member, Mr. M. A. Jinnah, Dr. H. S. Gour, Sardar Gulab Singh, Mr. B. Venkatapatiraju, Raja Ghazanfar Ali Khan, Mr. H. Tonkinson, Mr. T. C. Goswami, Mr. B. C. Pal, Pandit Madan Mohan Malaviya, Mr. W. S. J. Willson and, with your permission, Colonel Crawford and myself, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be seven."

Sir, the title of the Bill is self-explanatory. The principle which I seek to emphasise by my Bill is that the provisions in the Criminal Procedure Code relating to the dispersal of unlawful assemblies by the use of firing and of firing by the military are inadequate in certain respects, especially in cases where the authorities, civil or military, have to resort to the use of fire-arms in dispersing such unlawful assemblies. The defects in the Criminal Procedure Code were noticed for a long time and were brought to prominence in the unfortunate Punjab tragedies. So much so that my Honourable friend, the Right Honourable Srinivasa Sastri, brought in a motion on the 3rd March 1921 in the Council of State recommending the acceptance of certain Resolutions and asking for the amendment of the provisions of the Code on the lines, more or less, which I have indicated in the various clauses of the Bill which I have introduced. Sir, there was

a long discussion in the Council of State when our Honourable friend opposite was in the Chair there. The Government accepted two of the clauses and, on the division, the rest of the clauses were defeated. But two of these clauses were accepted on behalf of Government and also by the Council of State. Then, Sir, in pursuance of that Resolution the Government brought in a Bill to amend the Criminal Procedure Code to give effect to one of the objects enumerated in that Resolution. That passed the Council of State, and when it came up to this House to be passed by this House, amendments were sought to be made in this House seeking to amend the Code further. That amendment I had the honour of giving notice of, and when the amendments were tabled, the then Home Member apparently disapproved of them and he wanted to consider what steps he should take thereafter ; but the Government never chose to bring in a Bill.

The point which I wish to emphasise from that procedure is that Government themselves felt that there was a necessity to amend the sections of the Code dealing with the dispersal of unlawful assemblies. In some respects, no doubt the only difference between them and this side of the House was whether the amendments went far enough. I considered that they did not go far enough to meet the requirements of the case. They thought perhaps that discretion was the better part and they threw up the Bill altogether.

It is a matter on which we feel very strongly that the law ought to be amended. Speaking for myself at any rate, I am very anxious that the executive should be clothed with all reasonable and legitimate power to disperse unlawful assemblies and to put an end to riot, because, Sir, the possibilities arising out of mischief of that sort are immense. But I do feel that the law in this country is quite different from the law in England in essential respects. I see no reason why it should be different, at any rate to the extent it is. The possession of firearms is rather a dangerous incentive to certain people, like those who get easily panic-stricken and people who cannot keep their nerves steady. I do not object to people keeping firearms who can keep their nerves and do not easily rush into panic. Also there are dangerous views held by certain executive officers in this country that it is their solemn duty to kill people in order to create a moral effect, not in the places where the crowds are assembled, but in other parts of the country. I am glad to see, Sir, that His Majesty's Government and the Government of India have recently deliberately dissociated themselves from inculcating any such doctrines in the minds of executive officers, because there can be no more dangerous doctrine which can be propounded in the government of a country. It is the surest way for such a Government to come to an end, however weak the people may be. The weakest animals always find means of getting rid of tyrants, and I am not sure that weak as we are we cannot one day rise and put an end to tyranny, if tyranny continues. I am therefore anxious that the law should serve the purpose of the executive, while also protecting the people from dangerous misuse. As you know, Sir, and as the House also knows, there are ample safeguards in the provisions of the Indian Penal Code, a Code which has stood the test of time, a Code of which the English legislators can well be proud. There are ample safeguards in the Chapters relating to general exceptions and private defence in the case of public officers doing their duty fearlessly, so long as they perform their duty in good faith. Now the provisions in the Criminal Procedure Code give unnecessary additional protection to officers engaged in this unpleasant task. I do not think that any human being is so bad as to take a delight in inflicting harm or injury or death on other

[Diwan Bahadur T. Rangachariar.]

human beings. I believe when these people enter upon their duty they enter upon it not with delight but with reluctance. Now, as I have stated already, often times on account of the habits of the people, on account of the ignorance of language, or rather misconstruction of words used, the attitude of crowds is often assumed to be hostile, when really the crowd is going to petition. I have heard it stated during the Punjab troubles that when the crowd walked barefooted in order to petition the authorities, it was mistaken for a hostile attitude and force was resorted to. Speaking of my own experience in my own province, there have been cases where force by the use of fire-arms has been resorted to unnecessarily, and if a person with more nerve had been in charge, fire-arms would not have been used. I remember a case in Madras city, where my conviction and the conviction of reasonable persons was that firearms had been freely used without any necessity. In this country it is so easy to quell disturbances. Crowds are easy to manage, I should think, though I have never tried it myself, but knowing my people as I do for the last fifty years, they are unaccustomed to the use of arms. That is one of the complaints which we have against the British Government, the reckless way in which they administer the law as to arms, and also the way in which the little military instinct which we have in the south has been killed by the deliberate policy pursued of enlisting for the military foreigners and people from the Punjab and even from across the frontier as if they are the friends. The little military instinct which we had has been killed and crowds are not so dangerous as often times people represent them to be. I know of cases where a police constable with a baton has been able to keep at bay large numbers of people. After all what are they armed with ? Brickbats and *lathis*. Do you think any London policeman would resort to the use of fire-arms in the way in which policemen in this country do ? I do not want to exclude my countrymen in this respect ; I attribute that conduct more to the want of nerve only than any deliberate intention to kill. They get panic-stricken by seeing a crowd. We know the effect the possession of fire-arms has on a house-holder when a thief or an imaginary thief enters his house. Having fire-arms his incentive is to use them. Being possessed of these deadly weapons, these people in authority are tempted to use them unnecessarily. No doubt they sometimes get excited and use fire-arms unnecessarily. Therefore, unless there are safeguards in the law there is a danger and risk of these arms being used upon innocent people, or of unnecessary violence being used where less force would have been quite ample. Now it is unnecessary for us to recapitulate instances, and I do not want to recall memories which I should like to bury in the dead past. The Government themselves have recognised that they should issue executive orders on the lines I have indicated in my Bill. They may plead in opposition to my Bill that they have already issued executive orders to that effect to their officers, and therefore why should there be a provision in the law ? but a provision in the law is one thing, executive orders is another. Where you have a foreign Government they naturally think (I do not blame them, it is human bias, it is human nature) that these executive officers, if they exceed the provisions of the law, are thereby doing their best to help the Executive Government, and maintain their authority and therefore they look at these excesses with a fond eye, and are willing to excuse where rigorous politicians like myself would not be inclined to excuse. That is the tendency of a foreign Government. They do not know the people ; the people distrust them ; they distrust the people ; and therefore there is a natural tendency to support the

executive even when they abuse or misuse the power which is given to them, and in such cases the one provision of the Criminal Procedure Code which stands against getting an adequate remedy is this provision preventing prosecutions altogether, even when we know that officers have deliberately exceeded their powers. The necessity for obtaining sanction from the Local Government or from the Governor General, as the case may be, before the injured party can institute proceedings so as to make the person answerable in a Court of law stands as a great deterrent, and in fact my own view is that probably it encourages excesses at the hands of the executive officers. They feel they are safe, otherwise I could not understand how certain people acted in certain circumstances, in the way they did, but for the assurance they had that they could not be touched by the arm of the law so long as they had got their Government to support them. There have been cases where, even on the Government's own admission, officers have abused the powers entrusted to them by law. Is there one case in which the Government took the initiative to prosecute those officers ? It is said, oh ! if applications are made to the Government, they will not withhold sanction. Sir, I know the Executive Government and how difficult it is to move it in matters of this sort. As I said, there is a natural inclination to take a soft view of things, whereas the injured party would not be inclined to do so, and the Courts would rigorously apply the law. After all, what is it we ask ? I ask in my Bill that where officers misuse or abuse the law, the injured party,—I do not say the whole public as in England,—the injured party should be free to go to the Court, and I confine it to cases only where fire-arms are used. That is the principle for which I would stand, and unless you give it to the people, no matter what other direction you give, leaving them to the mercy of getting sanction or not from the Executive Government before they can take action, I think it is dangerous to allow this state of things to continue. I therefore ask that the injured party or persons or their representative should be given the liberty to go before the Court without any fetter of sanction. In England the injured party, in fact the public, are free to go in a matter of that sort to the Courts against the officers who have exceeded their powers. I have stated already that they are sufficiently protected by the substantive law, this special law need not protect them further. That is my point. And again I have been very careful in the wording I have given to the various clauses in my Bill. I say : " Fire-arms should be used only if such assembly cannot otherwise be dispersed, and no fire-arms should as a rule be used except on the written authority of a Magistrate of the highest class available on the spot. " I have heard of a case where the Prime Minister's house in England (I believe it was the Prime Minister's house) was invaded by a crowd that wanted to gain access to him. The attitude of the crowd was threatening and the police played the waterhose on them : they discharged water and dispersed the assembly. But here—(*Sir P. Sivaswamy Aiyer* : " There are no hoses. ") There are no hoses available, sometimes no water. But what is it you hear in the official accounts ? The attitude of the crowd looked ugly, a policeman's turban was pulled off, or brickbats were thrown. On these slight provocations fire-arms are resorted to. That was the case in the Chulai riots ; that was the case in the Madura riots of which my friend Mr. Rama Aiyangar has knowledge. But I do deprecate the resort to the use of fire-arms when you have got drilled policemen. Twenty drilled policemen can in concert face an undisciplined crowd, a mob which is generally composed of cowardly people, and to resort to fire-arms in such a case, unless absolutely necessary, is a pity. They say, unless you nip it in the bud, the thing is likely to spread. I do not think the risk is so

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great that you should unnecessarily resort to these deadly weapons of precision. That is why I say unless it cannot be otherwise dispersed, no fire-arms should be used except on the written authority of a Magistrate of the highest class. In fact I have in some of my clauses followed existing sections ; for instance, that military force cannot be resorted to except on the conditions I have indicated. I have taken care to embody in some of my clauses the language of the existing sections in the Code itself. Then I also make a proviso that :

"When immediate measures should be taken to prevent imminent danger or injury of a serious kind to the public, the seniormost Police or Military officer present on the spot may give the written authority instead and the same shall be communicated to the nearest Magistrate forthwith."

And in clause (*2*) I say :

"Before the assembly is fired upon the fullest warning should be given by all available means to the assembly that, unless it disperses within a given time, it will be fired on."

And in clause (*3*) :

"The person given the authority to fire shall ordinarily give such interval between the warning and firing as he considers sufficient in all the circumstances of the case."

I leave the discretion to him ; I know the difficulty of making up your mind on the spot, but still I make the person giving the authority the judge. Then I ask for a full report. I insist upon this as rather important because oftentimes you get inaccurate reports in the Press and in the public platform about occurrences, and official versions often have additions or accretions as time goes on, so that in cases of this sort where severe measures are adopted the law should provide a safeguard that there should be an immediate report made on the spot when the facts are fresh. I cast that obligation on the officer who resorts to it. The last clause is the most important, namely, giving the right to " any person injured by the use of fire-arms or any parent or guardian, husband or wife of a person killed by the use of fire-arms " to make " a complaint against any person for any offence committed by him by reason of any act purporting to be done under this Chapter." As I stated before, my object is to improve the law, to impose restrictions, necessary restrictions, reasonable restrictions and that people who have to perform this unpleasant task should know and feel that they are entering upon a serious task. If there are provisions of law they will be guided by them and will think twice and thrice before they resort to the use of fire-arms. While I do not restrain the use of fire-arms, I impose reasonable restrictions and limitations as to when they should be used. There may be many improvements which may be suggested in the course of discussion in the Select Committee. The principle that the law should be improved has been accepted by Government already, because they themselves introduced a Bill but later on withdrew it. The only question is to what extent we should improve it. That question can be safely left to the Select Committee. There is no object in the Government flying away from the question. The question has got to be faced. There is a lot of public feeling in the matter and the law must be improved. I therefore ask the House to accept my motion.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, the object of my Honourable friend's Bill, as stated in the Statement

of Objects and Reasons, is to guard against the indiscriminate use of fire-arms for the purpose of dispersing an unlawful assembly, and all reasonable men must be in agreement with that. The subject is one, as my Honourable friend has said in his opening speech, of the greatest importance. It is of the greatest importance to the citizen that fire-arms should be used in dealing with mobs with the greatest care and discrimination, but it is equally of great importance that when force has to be resorted to, it should be resorted to in a manner that will curb the disturbance of the peace in an effective manner. On that subject my Honourable friend and I are in entire agreement. My Honourable friend has mentioned that there are executive instructions which correspond very closely to the provisions of this Bill, but he wants them to be given statutory effect. I would point out, Sir, that statutory effect is a very different thing from executive instructions as he himself has recognised, and we must be careful lest in our desire to protect the rioter from a misuse of force we should forget the claims of the general public to be protected from those gusts of passion which shake this country from time to time. One recent instance has attracted the notice of my Honourable friend, because quite recently I heard him put questions on the matter. I am glad that the mover referred to the extremely unpleasant duty that falls to the lot of an officer who has to suppress mob violence by ordering firing. I can imagine no more difficult position for a humane man than to have to judge between the danger of allowing the peace of a whole town to be wrecked and deciding to take action which must result in the loss of another fellow-creature's life. It is one of the most painful positions to my mind in which any man can be placed, and he has to exercise his descretion on the spur of the moment—that is a point of great importance—he has to exercise it under conditions which are in themselves of a very trying nature. I do not know whether my Honourable friend has ever been a rioter or ever seen a riot. I presume that he has never been a rioter, but has he ever seen a riot ? I have seen a riot. I am not talking of India, but I may tell him I have seen a riot in one of the big continental cities, and it is one of the most appalling things to see and makes one feel how close to the surface the beast in man is on occasions. The roar of the crowd has ever since remained in my memory. When passions are roused to a degree of blood heat the officer responsible for the life and property of those under his charge has to take a responsibility which I believe to be one of the greatest that can be given to any human being. To meet a man in battle is one thing. You know what you are about. But to deal with a mob is a thing that demands not only courage, but cool-headedness and quick decision. It is not merely that the decision must be made—It must be made at the right time. Before I pass on to the Bill itself I ought to have mentioned one thing which is not quite accurate in my Honourable friend's speech. Sir William Vincent never actually moved a Bill here. He did not move any Bill here and it was therefore not withdrawn.

Diwan Bahadur T. Rangachariar : He moved it in the Council of State and got it passed.

The Honourable Sir Alexander Muddiman : Not in this House.

Diwan Bahadur T. Rangachariar : Then it was placed on the table of this House as passed in the Council of State.

The Honourable Sir Alexander Muddiman : He never moved it in the Assembly, and the motion was not withdrawn.

My Honourable friend said a great deal about the peaceful crowds of India and that it is very easy to restrain crowds in India. I agree that this is so up to a certain point, and that unless inflamed by religious passion or some powerful motive the ordinary behaviour of an Indian crowd, I agree on the whole, is peaceful. But let me tell my Honourable friend who has never seen a riot that when it is inflamed by those passions there is no question of peaceful behaviour, and the mob shows its terrible nature as many of the occurrences in India indicate only too truly. It may be said, and no doubt will be said, that men may lose their heads in dealing with these occurrences. In what country do men not lose their heads ? When you have officials like gods who can face these cataclysmic outbreaks with a precision and firmness that can hardly be demanded of humanity, then you will be able to dispense with any law in the matter of dealing with a mob. It is perfectly true that there have been and will be in the future, whatever your rules may be, occasions when officers lose their heads—that is undeniable, but the exception does not prove the rule. My contention is that, speaking generally, the thanks of this House are due to those who carry out duties of a very unpleasant character with a single eye to the dictates of their duty. I am glad that my Honourable friend recognises that these duties are now often mainly carried out by Indian officers and I should like in this connection to pay a tribute to many Indian officers who in circumstances of great difficulty have shown great discretion and great courage.

Sir, I will now turn to the provisions of the Honourable Member's Bill. I would first point out that it relates solely to the use of " fire-arms ". In this connection I will suggest to the House that in dealing with this question of the use of force to suppress disorder, it is undesirable to discriminate between the use of fire-arms and forms of force.

My Honourable friend's clause makes a point of the distinction in a way that he could hardly have wished if he had considered the matter more fully. He says :

" Fire-arms should be used only if such assembly cannot otherwise be dispersed."

Now, Sir, the first question I would put to this House is who is to be the judge of whether the assembly cannot otherwise be dispersed. Is that to be a matter for judicial finding, subsequent to the use of fire-arms ? That is one point. Then I do not wish to make merely dialectical points but this procedure would require of an officer in charge of a squadron of cavalry armed with lances and carbines to direct a charge on the mob before he directed firing. Now, I cannot believe myself, (I am not a soldier and I am speaking subject to correction), that a charge by lancers is a more humane method of dispersing the mob than carbine fire. The same argument applies to the case of infantry armed with bayonets. Under the proposed provision, the duty of the officer commanding would be first of all to see if a bayonet charge would disperse the assembly. The inevitable result of that will be, whether the charge was successful or not, that the mob would be brought to a state of great violence. If the charge failed, the infantry would probably be torn to pieces. If it did not, the number of injured would be far more serious and the passions of the mob greatly inflamed. That will be the effect of my Honourable friend's

provision. The next point in the clause which I have to refer to is that it says there must be a written order. Now, what is the object of this written order. Has there usually been any question as to whether the order to fire was given or not ? That was not the question. The general question is whether the order was given too soon or too late. Take the case of a person in charge of the police facing rioters. As is often the case, there is a Hindu mob on one side and a Muhammadan mob on the other and there is a thin line of policemen between. The mobs on both sides are threatening. Brickbats are thrown. Perhaps a shot is fired from a house. At any moment the two mobs may be at one another and the police would then be torn to pieces. The order to fire must be given in writing. Would you take a pencil and paper at such a time and write down the order. Does my Honourable friend require the words " Fire, Sd. A. P. M." to be written down ? Or does he want an officer to write " Whereas I, John Jones, Sub-Divisional Magistrate of the first class, have come to the conclusion that the moment has arrived to fire" etc., etc., I admit there are some cases where it is quite possible to give the written order but these are not the ordinary cases. They are the exception rather than the rule. Now, Mr. Bray was telling the Assembly the other day about the Kohat riots. Does any one suppose that any useful purpose in a case like that would be served by requiring a written order ? This clause further requires the Magistrate of the highest class to make the order. It is quite reasonable that a Magistrate should give the order wherever possible, but if you have a provision of this kind in the law, and it is not complied with it becomes an invalidity. Take the case when there in an Honorary third class Magistrate. There is a communal riot going on. These things often happen and there is no use in hiding facts. The Magistrate will not take the responsibility. The policeman has got to act. If he acts with this clause before his eyes he has to break the law because there is no order and if he does not act, he will be broken for not stopping the riot. He is between the devil and the deep sea. I do not think my Honourable friend really wants to bring about such a state of things. Then again I have heard it said, though my Honourable friend did not say this for he is far too good a lawyer to use an argument of this kind,—I have heard it said—that a written order and reading of the Riot Act is required by English law before force can be used to disperse a mob. Now, that is not so. I will just explain what the English law on the point is. It is this. There is no restriction on the use of force against a mob imposed by the Riot Act. The discretion of the officer is absolute. If you have the Riot Act read, as it is called, though it is an improper way of putting it, then any one who remains in an assembly thereby called upon to disperse for one hour after the reading of that Act is guilty of a felony and that is the only advantage you get by reading the Riot Act. I apologise to my Honourable friend for using an argument on a point which he did not raise but I thought I had better clear it. So much for clause 1.

Now I come to clause (2). It reads :

" Before the assembly is fired upon the fullest warning should be given by all available means to the assembly that unless it disperses within a given time, it will be fired on."

That again is an excellent executive instruction. Our executive instructions require, as my Honourable friend recognises, that warning should be given before firing. When you lay it down as a condition in a law that you

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must give full warning, then the position becomes more difficult. Who is to decide what is a given time ? Who is to decide that time ? Is it the Magistrate or the mob ? I assure you it is the mob who often decide what is the given time. I have seen with my own eyes a worthy Hindu Deputy Magistrate running for his life and the mob were then deciding the given time.

Diwan Bahadur T. Rangachariar : Then do not appoint a Hindu as a Magistrate.

The Honourable Sir Alexander Muddiman : I am sorry. I cannot say whether he was a Hindu or a Muhammadan. I ought to have said an Indian. Now, I quite agree with my Honourable friend that warning is most desirable and an interval should be given if possible, but you cannot lay it down as a hard and fast provision of the law. If you do, you get into a position which it is perfectly impossible to accept. I am not speaking now from the point of view of Government. I am speaking from the point of view of the ordinary citizen. It is generally the ordinary citizen that suffers in the end. It is his house that is burnt, it is his banker's books that are stolen and it is his grain that is looted.

Now the next clause reads :

"The person given the authority to fire shall ordinarily give such interval between the warning and firing as he considers sufficient in all the circumstances of the case."

There again we have the same difficulty. The officer may consider the time sufficient but the mob may not.

Diwan Bahadur T. Rangachariar : I am not concerned with the mob.

The Honourable Sir Alexander Muddiman : Unfortunately the officer placed in that position is. I agree that warning should be given wherever possible, but you cannot make it a rule. There may be cases of deliberate defiance of the law where you know that you can tell the mob if they do not disperse within one hour, something will happen. Warning may be possible in such cases. But this is one case out of 100. In the other 99 cases the situation arises suddenly and it would not be possible to give an interval between the warning and the firing. They have to be suppressed in a hurry and there is no time for warning. And mind you one other thing. If you warn the mob in time and wait and the mob gather and attack you, what happens ? Your policemen are torn to pieces. It is not a case of pulling off their *pagris* but of pulling of their heads.

As regards clause 4, I see no objection to it. I have not examined the drafting of it, but it requires that :

"A full report of the occurrence shall be made in all cases when such assembly is dispersed by the use of fire-arms to the nearest first-class Magistrate within twenty-four hours of the occurrence, and such report shall be a public document."

Now, I can see no objection to the general principle. But may I tell you one thing and that is a remark based on experience. My Honourable friend has said, and he has said rightly, that very often the first reports that are given out contain inaccuracies. That is perfectly true and I will tell you why. Those first reports are written when the rioting is still going on and the full facts are not known to the authorities. Take

a recent case. We had a riot in Delhi. I think it went on for two or three days. I was pressed considerably to publish at once a statement of what I had received. I declined to do so, because I was perfectly well aware that it was only a partial report, and that was borne out when we received the full report, when it turned out that rioting had not been confined to one quarter but had spread to other quarters. We must always bear in mind that inaccuracies in the early reports are not necessarily a sign of a desire for concealment. They occur very often because the early reports are sent in when the rioting is still going on, and therefore in some ways a premature report is misleading and even dangerous.

The next point raised by my Honourable friend is clause 5, which runs :

"If the person is himself a first-class Magistrate his report shall be made to the District Magistrate, and, if the person is a District Magistrate, his report shall be made to the Local Government."

Well, that follows on the other and I have no comments to make, although it may require a little examination as to the form in which it has been cast ; but to the general principle embodied in the clause under consideration I see no objection.

Now the last clause is one which my Honourable friend emphasised, I think, because he felt he had the English law behind him. What he emphasised and pressed was this question of the right to bring a complaint. I do not think I need read out the law as so many in the Assembly are lawyers, but as Honourable Members know, under the law it is provided by section 132 that prosecutions in these cases require sanction ; in the one case they require the sanction of the Local Government, in the other of the Governor General in Council. Well, my Honourable friend pointed out, and rightly, that there is no such provision in the English law : that is, the sanction of the Government is not required by that law. He proposes that—

"Any person injured by the use of fire-arms or any parent or guardian, husband or wife of a person killed by the use of fire-arms may make a complaint against any person for any offence committed by him by reason of any act purporting to be done under this Chapter."

Now, the only change in the law is that it dispenses with the sanction of the Governor General or the Local Government, as the case may be. In this connection I should like to read to the House a short extract from Dicey's Rule of Law, where he makes what I think is quite a good point. He is quoting from a French writer, a jurist of standing. He says:

"Under every legal system the right to proceed against a servant of Government for wrongs done to individuals in his official capacity exists in some form or other. The right corresponds to the instinctive impulse of the legal victim to seek compensation from the immediately visible wrong-doer. But on this point the laws of different countries have utterly different tendencies. There are countries such, for example, as England and the United States, where every effort is made to shelter the liability of the State behind the personal responsibility of its officers. There are other countries where every effort is made to cover the responsibility of servants of the State behind the liability of the State itself to protect him against and to save him from the painful consequences of faults committed in the service of the State."

Those are entirely different points of view. The English law abandons its agents to the mercy of the law Courts. The French law takes the liability upon itself and protects its servants. Now, it is not for me to attempt to tell this House what the right line is in India. We who speak on this side are often told that we know nothing about the

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customs of the people and the habits of the country. But I will say this. I have lived 25 years in this country and I have been brought into touch with a great many people in this country, and it appears to me that you cannot draw a just parallel between the position in regard to suits against officers charged with the administration of these provisions in England and in India. Sir, the last big case of firing in England on a mob, and it was a leading case and is still the *locus classicus*, was the Acton colliery case in 1893. I think I need hardly develop the point that the use of fire-arms in India is far more frequent than it is in England. You have to go back some 50 years for a big case of this kind over there; while here you have only got to turn over the pages of the papers for the last few months to see the difference in that respect. But you may say, where does that lead you? It may simply lead you to this, that more care is used in England in these matters and the mere fact that this provision exists which enables a suit to be brought without sanction is itself a thing that prevents these occurrences. Sir, that can hardly be supported. I think my Honourable friend would not argue that. (*Diwan Bahadur T. Rangachariar*: "I would".) Well, I think my Honourable friend would be carrying it very far if he did; and since he is going to argue that I will develop my point a little further. It is this, that the need for the use of fire-arms is far more frequent in this country. It is due—I do not wish to go into details—but it is due very largely to communal differences, to racial differences and to religious differences. (*Diwan Bahadur T. Rangachariar*: "And the nervousness of the police".) Well Sir, I have followed the history of the Indian police, and I think that whatever faults they have, they are not nervous. They have many faults; officers in charge of them occasionally lose their heads; I admitted that from the beginning; but the nervous police constable I have yet to meet as a common object.

Well, to return to the last clause, the right of complaint, which was pressed by my Honourable friend. I am not going to take the usual line taken on these occasions and say, "well the Government would never refuse sanction in a good case". Sir, I have found it useless to protest in this House that Government would not refuse sanction. I do not think it would but the House will not be convinced by that. That argument I am going to use is this. The nervous policeman will arise the day he finds that he is liable to a suit if he fires. That is when you will have your nervous policeman. The fear of suit may very well not deter a man from doing what he ought not to do; but it may deter him from doing what he ought to do in the interests of the remainder of the population. And that, Sir, is certainly a thing to be greatly feared and I honestly believe it is to be feared. Did I use the word: "suit"? It was of course a slip. I meant "criminal prosecution". Of course the principle of sanction to the prosecution of public servants is already well recognized in the Indian law in many cases, though it is not recognized I believe in the English law. My Honourable friend tells me that in certain cases sanction is necessary in England. That may be so, but here at any rate it is a well-known principle and is recognized in Indian law.

There is one other thing before I close, I think I have dealt with the main points in my Honourable friend's Bill, but he used words that I think I cannot pass over without comment. He referred to the distrust

of the people in the officers of Government. Now, Sir, if there is one occasion when the people do trust officers of Government, it is on the occasion of riots. That, Sir, is not a suggestion ; it is a fact. I may tell him that during the Delhi riots and the Agra riots, the people showed the greatest thankfulness to those British troops who were brought down to hold the streets during the riots. They brought them tea, milk and other refreshments and there was certainly no question of distrust. I am afraid, Sir, it is in the normal peaceful days that distrust is felt: the distrust is much less on these occasions than in the normal peaceful days, when, perhaps, their services are not quite so fully appreciated. I hope I have not made my Honourable friend feel that I am in any way opposed to what he has at heart as much as I have. I have endeavoured to point out briefly the practical difficulties which attend the provisions of his Bill :

Mr. President : The question is :

"That the Bill to provide that, when fire-arms are used for the purpose of dispersing an assembly, preliminary warning shall, in certain circumstances, be given, be referred to a Select Committee consisting of the Honourable the Home Member, Mr. M. A. Jinnah, Dr. H. S. Gour, Sardar Gulab Singh, Mr. B. Venkatapatiraju, Raja Ghazanfar Ali Khan, Mr. H. Tonkinson, Mr. T. C. Goswami, Mr. B. C. Pal, Pandit Madan Mohan Malaviya, Mr. W. S. J. Willson, Colonel J. D. Crawford and Diwan Bahadur T. Rangachariar, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be seven."

The Assembly divided:

AYES—58.

Abdul Karim, Khwaja.
Abhyankar, Mr. M. V.
Aiyangar, Mr. C. Duraiswami.
Aiyangar, Mr. K. Rama.
Aiyer, Sir P. S. Sivaswamy.
Alimuzzaman Chowdhry, Mr.
Aney, Mr. M. S.
Badi-uz-Zaman, Maulvi.
Chaman Lall, Mr.
Chanda, Mr. Kamini Kumar.
Das, Mr. Bhubanananda.
Das, Mr. Nilakantha.
Duni Chand, Lala.
Dutt, Mr. Amar Nath.
Ghazanfar Ali Khan, Raja.
Ghulam Bari, Khan Bahadur.
Goswami, Mr. T. C.
Gour, Dr. H. S.
Gulab Singh, Sardar.
Hans Raj, Lala.
Hyder, Dr. L. K.
Iyengar, Mr. A. Rangaswami.
Jeelani, Haji S. A. K.
Jinnah, Mr. M. A.
Joshi, Mr. N. M.
Kasturbhai Lalbhai, Mr.
Lohokare, Mr. K. G.
Mahmood Schamnad Sahib Bahadur, Mr.
Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jamnadas M.
Misra, Pandit Shambhu Dayal.
Misra, Pandit Harkaran Nath.
Murtuza Sahib Bahadur, Maulvi Sayad.
Mutalik, Sardar V. N.
Nambiyar, Mr. K. K.
Narain Dass, Mr.
Nehru, Dr. Kishenlal.
Nehru, Pandit Motilal.
Nehru, Pandit Shamlal.
Neogy, Mr. K. C.
Patel, Mr. V. J.
Purshotamdas Thakurdas, Sir.
Ramachandra Rao, Diwan Bahadur M.
Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed.
Rangachariar, Diwan Bahadur T.
Ranga Iyer, Mr. C. S.
Ray, Mr. Kumar Sankar.
Samiullah Khan, Mr. M.
Sarda, Rai Sahib M. Harbilas.
Sarfaraz Hussain Khan, Khan Bahadur.
Shafee, Maulvi Mohammad.
Shams-uz-Zoha, Khan Bahadur M.
Singh, Mr. Gaya Prasad.
Sinha, Mr. Ambika Prasad.
Sinha, Kumar Ganganand.
Tok Kyi, Maung.
Venkatapatiraju, Mr. B.
Yusuf Imam, Mr. M.

NOES—38.

Abdul Qaiyum, Nawab Sir Sahibzada.
Ahmad Ali Khan, Mr.
Ajab Khan, Captain.
Akram Hussain, Prince A. M. M.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Burdon, Mr. E.
Calvert, Mr. H.
Chalmers, Mr. T. A.
Chatterjee, The Honourable Mr. A. C.

Cocke, Mr. H. G.
Crawford, Colonel J. D.
Duval, Mr. H. P.
Fleming, Mr. E. G.
Hezlett, Mr. J.
Hindley, Mr. C. D. M.
Hira Singh, Sardar Bahadur Captain.
Holme, Mr. H. E.
Hudson, Mr. W. F.
Hussanally, Khan Bahadur W. M.
Innes, The Honourable Sir Charles.
Lindsay, Mr. Darcy.
Lloyd, Mr. A. H.
Moncrieff Smith, Sir Henry.
Muddiman, The Honourable Sir Alexander.
Muhammad Ismail, Khan Bahadur Saiyid.
Nag, Mr. G. C.
Parsons, Mr. A. A. L.
Rushbrook-Williams, Prof. L. F.
Sams, Mr. H. A.
Sastri, Diwan Bahadur C. V. Visvanatha.
Singh, Rai Bahadur S. N.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Tottenham, Mr. G. R. F.
Webb, Mr. M.
Willson, Mr. W. S. J.
Wilson, Mr. R. A.

The motion was adopted.

THE INDIAN REGISTRATION (AMENDMENT) BILL.

Mr. K. Rama Aiyangar: (Madras and Ramnad *cum* Tinnevelly: Non-Muhammadan Rural): Sir, I beg to move:

"That the Bill further to amend the Indian Registration Act, 1908, be referred to a Select Committee consisting of the Honourable Sir Alexander Muddiman, Mr. K. C. Neogy, Mr. T. C. Goswami, Sir Henry Moncrieff Smith, Dr. H. S. Gour, Pandit Madan Mohan Malaviya, Mr. M. A. Jinnah, Diwan Bahadur T. Rangacharir, Diwan Bahadur M. Ramachandra Rao, (with your permission, Sir), Mr. C. Duraiswami Aiyangar and myself, and that the number whose presence shall be necessary to constitute a meeting of the Committee shall be five."

This is a small matter, Sir. The only question is that when presentation is made by a person other than an authorised agent even when the executant is present and accepts the registration, because of the existing state of the law, it has to be held that the registration is invalid. Their Lordships of the Privy Council have once also regretted that it was so. However, sections 32 and 33 are such that in the present state of the law, even though it is presented by a person on behalf of the executant and the executant is present there and completes the registration, it is held invalid. It is only to remedy that defect, I introduced the Bill and the Select Committee will consider the wording and put it properly in its place. I beg to move that the Bill be referred to the Select Committee.

Mr. H. Tonkinson (Home Department: Nonminated official): Sir, when my Honourable friend moved for leave to introduce this Bill on the 21st of February, it was pointed out in this House that the difficulties mentioned in the first judgment of the Privy Council, which is cited in the Statement of Objects and Reasons, had been fully met by the Bill introduced by the Honourable Pandit Madan Mohan Malaviya and finally passed into law in 1917. I am surprised, Sir, that once again my Honourable friend has not referred to that amendment of the law. It was further pointed out, Sir, on that occasion that the second ruling which is referred to by the Honourable Member had nothing to do with the Bill before the House. I am surprised that he again states that on one occasion their Lordships of the Judicial Committee have regretted that this provision of the law existed. We have now been informed, Sir, by the Honourable Member, not in this House but separately, that the reference in the Statement of Objects and Reasons to the Patna case should have been a reference

to a case reported in 49 Indian Appeals at page 395. I should like, Sir, now to refer to some facts in regard to these two cases in particular. First I take the case of Jambu Prasad *vs.* Mahummad Aftab Ali Khan. Sir, when that case was before the Allahabad High Court, my Honourable friend Pandit Motilal Nehru was one of the leading counsel engaged. The case dealt with three mortgage deeds executed between 1886 to 1892. The Allahabad High Court gave a decree for the claim based upon the one deed, but they held that the other deeds had not been validly registered. It was argued before them by the Honourable Pandit that the executants being present when the document was registered, the document was validly registered ; but the Court held, on the other hand, that this was not proved, but all that was proved was that they had attended on the same day. That case, Sir, went up to the Privy Council. I would observe that before the Privy Council, Sir George Lowndes appeared for the respondent. That is a point, Sir, of some importance, because Sir George Lowndes in another capacity took a leading part in the decision as to the form which the amendment of the law should take in 1917. Before the Privy Council a claim was made that the mortgagees themselves would have been entitled to present for registration and their presence would have removed any defect, that is to say, a claim was made on the lines of the present Bill. This claim, however, was dismissed by the Privy Council, because they held that the mortgagors attended to assent to registration and this was not sufficient to give the registrar jurisdiction. The Judicial Committee, therefore, upheld the Allahabad decision, and it is not therefore quite correct to suggest as in the Statement of Objects and Reasons, that Their Lordships were the first to place this alleged highly technical construction on the law. Indeed, in their order in that case the Privy Council refer to another Allahabad decision of 1906 where it had been held that the sub-registrar's jurisdiction only comes into force if and when a document is presented to him in accordance with the law. Now, Sir, under the provisions of section 32 it is required that the person presenting a document for registration shall be either the person executing or claiming under the same, the representative or assign of such person or the agent of such person, representative or assign duly authorised by a power of attorney executed or authenticated in the manner provided in the next section.

(At this stage Mr. President vacated the Chair which was taken by the Deputy President.)

The Privy Council in the case in question held that one object of these provisions was to make it difficult for persons to commit frauds by means of registration and it was the duty of the Court not to allow the imperative provisions of the Act to be defeated. It was in consequence of that decision that my Honourable friend Pandit Madan Mohan Malaviya brought forward a Bill in the Imperial Legislative Council, as a result of which section 23A was inserted in the Registration Act. This section, Sir, permits persons claiming under a document which has been accepted for registration from a person not duly empowered to present the same to be registered within four months from the person who claims first having become aware that the registration of the document was invalid. There may be cases, Sir, in which through want of care or stupidity or otherwise of the registering officers documents which ought not to be registered are registered and ignorant people who rely upon the registering officers following the law may thus find themselves in a difficult position. But this section gives

[Mr. H. Tonkinson.]

them full relief and the Honourable Member has not indicated any manner in which its provisions are defective. I understand it was generally agreed in 1917 that it was a satisfactory solution, and the Bill was then unanimously passed.

Let us turn now to the other case referred to in the Statement of Objects and Reasons, in which, according to my Honourable friend, the Judicial Committee of the Privy Council has suggested that the law required amendment. That, Sir, was a Burma case, the case of Ma Shwe Mya *versus* Maung Po Hnaung. The respondent in that case had obtained a decree against the appellant. Whilst an appeal to the Privy Council against that decree was pending the respondent applied for leave to execute. He was given leave provided he gave security. A bond Form 3 in Appendix G to the Code of Civil Procedure mortgaging certain oil wells was executed before the Additional District Judge and was presented for registration by the head clerk of the Court of Additional District Judge. The appeal in the first case was upheld and so the bond became operative. The question was whether it was properly registered. It was not presented by any person claiming or executing. The District Judge was not present at the time of presentation. The Judicial Commissioner of Upper Burma held that the head clerk was his representative. The Judicial Committee in their decision announced by Viscount Cave held that representative was a term of ambiguous meaning which must be construed according to its context and in section 32 their Lordships were satisfied that "representative" meant the legal personal representative or the guardian or committee and did not include a clerk or an agent. Their Lordships held, therefore, that the registration of the security bond was invalid. In connection with the present Bill, however, it is important to notice that their Lordships of the Judicial Committee indicated that the provisions of section 23A provided an adequate remedy.

Now, Sir, with reference to the remarks as to the amendment of the law being required. These remarks were made by Their Lordships in this case ; but it was in regard to an entirely different matter which is not affected at all by the present Bill. Their Lordships did remark that the case disclosed a probably inadvertent omission in the law which could only be cured by legislation. Under section 88 of the Registration Act, certain officers of the Crown are not required to attend a registration office in proceedings in connection with the registration of a document executed in their official capacity or to sign endorsements, etc. The registering officer is empowered to refer to them for information and if he is satisfied as to the execution of the document he registers it. The omission in the law referred to by the Judicial Committee is as regards the want of a similar provision to that relating to officials who execute for officials who may claim a document. That is, there might have been a provision which would not have required the District Judge himself to present the security bond in this particular case. But, Sir, that has nothing whatever to do with the Bill in regard to which my Honourable friend has moved the present motion. I submit further that not only is the present Bill unnecessary but possibly it may be dangerous. Since we have had any Registration law in India, ever since 1867, I think the year was, we have had these provisions in this form. These provisions are the provisions against fraud. I submit, further, that if we take the case which is intended to be covered by the proposed *Explanation* to section 32, when the

person presenting is accompanied by the executors, all that is required under the present law is for the person who has the document and who is not under this proposal a person duly authorised by power of attorney, etc., but another person, to hand over the document to the persons who did actually execute. There is no defect in the present law and the Bill is absolutely unnecessary. I submit, Sir, that it is, therefore, most undesirable to make such an amendment of the law. If I do not consider that this House would accept the view that the Bill is unnecessary and should be opposed, I should have moved an amendment for circulation on the grounds already stated to-day in connection with the Bill of which you, Sir, were the sponsor. Sir, I oppose the motion.

Dr. H. S. Gour : I move that the question may now be put.

Mr. K. Rama Aiyangar : I want to say only one word, Sir. Under the imperative provisions of the section their Lordships said that they had to hold that even if the presentation was made by the executant, they could not register. I maintain, therefore, that it is a case where relief is needed.

Mr. Deputy President : The question is :

"That the Bill further to amend the Indian Registration Act, 1908, be referred to a Select Committee consisting of the Honourable Sir Alexander Muddiman, Mr. K. C. Neogy, Mr. T. C. Goswami, Sir Henry Moncrieff Smith, Dr. H. S. Gour, Pandit Madan Mohan Malaviya, Mr. M. A. Jinnah, Diwan Bahadur T. Rangachariar, Diwan Bahadur M. Ramachandra Rao, Mr. C. Duraiswami Aiyangar and Mr. K. Rama Aiyangar, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The Assembly divided :

AYES—42.

Abdul Karim, Khwaja.	Misra, Pandit Shambhu Dayal.
Abhyankar, Mr. M. V.	Misra, Pandit Harkaran Nath.
Aiyangar, Mr. C. Duraiswami.	Murtaza Sahib Bhadur, Maulvi Sayad.
Aiyangar, Mr. K. Rama.	Mútalik, Sardar V. N.
Aiyer, Sir P. S. Sivaswamy.	Narain Das, Mr.
Aney, Mr. M. S.	Nehru, Dr. Kishenlal.
Badi-uz-Zaman, Maulvi.	Neogy, Mr. K. C.
Chaman Lall, Mr.	Patel, Mr. V. J.
Das, Mr. Bhubanananda.	Purshotamdas Thakurdas, Sir.
Das, Mr. Nilakantha.	Ramachandra Rao, Diwan Bahadur M.
Duni Chand, Lala.	Ranga Iyer, Mr. C. S.
Goswami, Mr. T. C.	Ray, Mr. Kumar Sankar.
Gour, Dr. H. S.	Samiullah Khan, Mr. M.
Gulab Singh, Sardar.	Sardar, Rai Sahib M. Harbilas.
Hans Raj, Lala.	Shafee, Maulvi Mohammad.
Iyengar, Mr. A. Rangaswami.	Singh, Mr. Gaya Prasad.
Jeelani, Haji S. A. K.	Sinha, Mr. Ambika Prasad.
Joshi, Mr. N. M.	Sinha, Kumar Ganganand.
Kartar Singh, Sardar.	Tok Kyi, Maung.
Kasturbhai Lalbhai, Mr.	Venkatapatiraju, Mr. B.
Lohokare, Mr. K. G.	Yusuf Imam, Mr. M.

NOES—38.

Abdul Qaiyum, Nawab Sir Sahibzada.	Duval, Mr. H. P.
Ahmed, Mr. K.	Fleming, Mr. E. G.
Ajab Khan, Captain.	Hezlett, Mr. J.
Bhore, Mr. J. W.	Hindley, Mr. C. D. M.
Blackett, The Honourable Sir Basil.	Hira Singh, Sardar Bahadur Captain.
Burdon, Mr. E.	Holme, Mr. H. E.
Calvert, Mr. H.	Hudson, Mr. W. F.
Chalmers, Mr. T. A.	Hussanally, Khan Bahadur W. M.
Chatterjee, The Honourable Mr. A. C.	Innes, The Honourable Sir Charles.
Crawford, Colonel J. D.	Lindsay, Mr. Darcy.

NOES—38—*contd.*

Lloyd, Mr. A. H.	Sams, Mr. H. A.
Makan, Mr. M. E.	Sastri, Diwan Bahadur C. V. Visvanatha.
Moncrieff Smith, Sir Henry.	Singh, Rai Bahadur S. N.
Muddiman, The Honourable Sir Alexander.	Sykes, Mr. E. F.
Muhammad Ismail, Khan Bahadur Saiyid.	Tonkinson, Mr. H.
Nag, Mr. G. C.	Tottenham, Mr. G. R. F.
Nehru, Pandit Shamlal.	Webb, Mr. F.
Parsons, Mr. A. A. L.	Willson, Mr. W. S. J.
Rushbrook-Williams, Prof. L. F.	Wilson, Mr. R. A.

The motion was adopted.

THE WEEKLY PAYMENTS BILL.

Mr. Chaman Lall (West Punjab : Non-Muhammadan) : Sir, I move for leave to introduce a Bill to make provision for the weekly payment of wages to workmen, domestic servants and other employees.

I do not intend to detain the House at any length in this matter, particularly, after the conversational fire-works of the Honourable Diwan Bahadur T. Rangachariar on the fire-arms question, and the carefully registered whispers of the Honourable Mr. K. Rama Aiyangar on the Registration Act. All I wish to say can be condensed in a few sentences. There are two reasons why I want this Bill introduced ; firstly, on social and, secondly, on economic grounds. The social ground is this. We find that industrial workers in various centres in India have to subsist for a period at least of one month on credit, having to borrow large sums of money from money-lenders at exorbitant rates of interest. My Bill is designed to prevent any such extortion. Secondly, we found, as was the case in Bombay recently during the mill strikes, that large numbers of workers, several thousands, were thrown out of work and the wages due to them were not paid to them by their employers until after a very long period of negotiation and suspense. All that period was utilised to induce workers to return to work. I want to make it impossible for any employer to place employees in that position where he can withhold wages due to his employees. I want to make it penal to withhold wages.

This is the second aspect of the economic question that ordinarily, wherever wages are paid by the day, the wages are actually less in the total amount than when paid on a monthly basis, a proof of the fact that some allowance is indeed made for the fact that workers have to live on credit and borrow money at exorbitant rates for their subsistence. Honourable Members will see on page 4 of the Report known as " The Report of the Second Regular Wages Survey of the Punjab, taken in December 1917 " a table giving the average daily earnings of labourers. In 1917 it was by the day 6 as. 6 p., but when reckoned by the month it was 6 as. 11p. You will find right through this table that when payments are made by the week the workers get more in money than when payments are made by the day. This is briefly why I wish to move this Bill. I want this Bill to apply to workers not only in Government employ, not only in the industrial centres, but to workers all round. The difficulties that may be met with in the form of the Bill as drafted

by me can easily be got over when it is referred to a Select Committee. I need not, therefore, go into the actual provisions of the Bill.

Sir, I move for leave to introduce it.

The Honourable Mr. A. C. Chatterjee (Industries Member) : Sir, I do not rise to oppose the Bill, indeed I cannot do so because I have had some difficulty in understanding what the exact aim or object of the Bill is. So far as I can judge from a very careful perusal of the terms of the Bill, I do not know whether the Honourable Member wants to introduce a weekly system of payments, or whether he wants to prohibit the system of withholding the wages of people of small means, or both. So far as I can judge from the actual language of the Bill, so long as an employer arranges to pay on a weekly basis, he can withhold payment for a month or six weeks.....

Mr. Deputy President : If the Honourable Member is not opposing the motion, he can defer his remarks to the second stage.

The Honourable Mr. A. C. Chatterjee : I think, Sir, I am entitled to explain the position of the Government with regard to the Bill. It has usually been the practice to allow the Member of Government to do so.

Mr. Deputy President : The Honourable Member will have ample opportunity to do so later on. Unless he opposes the leave for introduction, I do not think any remarks are in order.

The motion was adopted.

Mr. Chaman Lall : Sir, I introduce the Bill.

THE MATERNITY BENEFIT BILL.

Mr. N. M. Joshi (Nominated Labour Interests) : Sir, I ask for leave to introduce a Bill to regulate the employment of women in factories and mines and on those estates to which the Assam Labour and Emigration Act, 1901, applies some time before and some time after confinement, and to make provision for the payment of maternity benefit.

Sir, the object of my Bill is purely humanitarian. It seeks to prohibit the employment of women after confinement ; it also seeks to prevent employers dismissing women six weeks before confinement. The Bill also seeks to provide maternity benefits during the enforced period of absence. It has been found that mere prohibition without the provision of maternity benefits would not be of any use. That is the experience in England. Therefore, while prohibiting the employment of women and also allowing them to remain absent some time before confinement, I have made provision for maternity benefits. The Bill does not apply to women in all industries, but it applies only to factories, as defined by the Indian Factories Act, to mines as defined by the Indian Mines Act, and to estates which are regulated by the Assam Labour and Emigration Act, 1901. Here I want to make one thing clear. Although in my Bill I have mentioned the estates regulated by the Assam Labour and Emigration Act, still I do not intend to exclude other estates which may be regulated by other legislation. As a matter of fact I know there are other estates which are regulated by the Madras Planters Labour Act, and I think when the Bill goes to Select Committee.....

The Honourable Mr. A. C. Chatterjee (Industries Member) : Sir, I rise to a point of order. Can the Honourable Member, in introducing the Bill, propose that the scope of the Bill should be enlarged ?

Mr. N. M. Joshi : Sir, I do not think I am enlarging the scope of the Bill at all.

The Honourable Mr. A. C. Chatterjee : I ask for your ruling, Sir,.

Mr. Deputy President : There is no motion for enlarging the scope of the Bill.

The Honourable Mr. A. C. Chatterjee: I understood the Honourable Member to suggest the enlarging of the scope of the Bill.

Mr. Deputy President: When such a motion comes up, it will be time to consider it.

Mr. N. M. Joshi: Sir, if the Chair allows me at the time when I make a motion for sending the Bill to a Select Committee. or when I ask the House to take my Bill into consideration, I propose to bring in certain estates which are not included here. The other details I have left to the Local Governments. The welfare of labour is a provincial subject, and I therefore think that these details must be left to the Local Governments. Sir, my Bill, since it was published in the papers, has received a large volume of public opinon in its favour. The Bombay Legislative Council has passed a Resolution supporting the principle of my Bill. There was a public meeting held in Bombay very recently under the auspicies of 13 organisations in the City supporting the proposals of my Bill. The Medical Relief Committee of the Bombay Municipality, of which my Honourable friend Mr. Patel is the President, has also supported the proposals which I have included in my Bill. Sir, I therefore hope that the Bill will meet with support at the hands of this House; but before I take my seat, I would like to make one request to Government. It is this. To-day I am going to introduce the Bill, and the second motion for sending the Bill to Select Committee will not be made before the end of January. I would like Government to circulate my Bill, if the House gives me leave to introduce it, in the meanwhile, so that the Government may be ready with the opinions of the Local Governments, and able to consider the Bill property. I hope, Sir, the House will give me leave to introduce my Bill.

Mr. T. A. Chalmers (Assam: European): Sir, I rise to oppose this Bill. In opposing the introduction, I wish to make it clear that I do not do so because I disapprove of the principles of the Bill, or because employers in Assam are reluctant to give these privileges. As a matter of fact, for many years such privileges have been given. Many years before the International Conference at Washington, the quarter of a million of women employed in Assam tea gardens enjoyed these privileges, and these privileges have, up to date, not been introduced on such a large scale in any other country in the world. My opposition arises....

Diwan Bahadur M. Ramachandra Rao: May I ask the Honourable Member if he is speaking on behalf of the Government ?

Mr. Deputy President : I do not think such a question arises; the Honourable Member is opposing and is entitled to do so.

Mr. T. A. Chalmers: Allow me to introduce myself to the House as a tea planter from Assam. I represent the European community of that

Province. My opposition to the Bill arises from the fact that the Mover proposes to discriminate between tea grown in other parts of India and tea grown in Assam. He now informs the House that he proposes to extend the scope of this Bill later on. I still object to the discrimination because we have seen how our friends from Bombay have suffered and are still suffering from the effects of a discriminating Bill. I refer to the unjust cotton excise duty. Why should people who grow potatoes or rubber, or coffee, or anything not provide for their women workers the same privileges and rights as those that the tea industry are asked to provide ? I think it would be equivalent to an excise duty on cotton being applied in Bombay and not applied in Calcutta. I maintain that those who employ women for any purpose whatsoever should undertake to provide for the special disabilities to which women are subject. I therefore ask the Honourable Mover to delete the reference to the Assam Labour and Emigration Act and to define an estate as any place where more than ten women are employed on any work whatsoever that is not already covered by the Indian Factories Act and the Indian Mines Act. If the House supports my proposal and the Honourable Mover accepts it, I understand that it will enlarge the scope of the Bill.

Mr. N. M. Joshi: I do not propose to do that.

Mr. T. A. Chalmers: Then I have nothing further to add at present.

The motion was adopted.

Mr. N. M. Joshi: I introduce the Bill.

THE INDIAN RAILWAYS (AMENDMENT) BILL.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : I move for leave to introduce a Bill further to amend the Indian Railways Act, 1890. This Bill is intended to prohibit the reservation of compartments in railway trains for the exclusive use of persons belonging to any particular community, race or creed. This question came up for discussion in the last Assembly on more than one occasion, and the present position is that it is only in certain trains and it is only for the benefit of third class passengers belonging to a particular community that carriages are reserved ; and while the compartments are reserved for Europeans the Railway Administration has issued a circular to their local Agents asking them to permit anybody who may be wearing European dress to make use of these reserved compartments. I have no doubt that the objection which the predecessor of this House took to the reservation of compartments still remains so far as the underlying principle of this discrimination is concerned. I need hardly point out to the House that public opinion resents this discrimination as strongly as it did ever before. There have been prosecutions for the infringement of this rule, and some of them came up before the different High Courts in India. The latest case I think came up before the Calcutta High Court, and we have the decision in that case reported in the law journals. It appears that a young Indian belonging to the middle class deliberately broke the law and insisted on remaining in a compartment which was reserved for Europeans. This is what the judgment says :

"The accused.....was seen seated in a compartment of a third class railway carriage marked for Europeans.....with some other Indian passengers all of whom were attired in Indian dress. They were asked by a ticket examiner to vacate the compartment as it was reserved for Europeans. The other Indian passengers occupying the said compartment vacated it, but the accused did not, saying he had as

[Mr. K. C. Neogy.]

much right to occupy the said compartment as any European. Subsequently the accused vacated the compartment stating that he courted the prosecution to make a test case of it. He was prosecuted and convicted and fined Rs. 5."

In this case it was held that if this rule is not inconsistent with any express provision of law in the general scheme of the Railway Act, it should not be held to be *ultra vires* of the powers of the Company. But one of th learned Judges observed to the followng effect :

"I cannot but feel that it is desirable that public bodies, which exist for public convenience, derive their revenue from the general public and enjoy monopoly in their trade under the law of the land, should take good care to remove any vestige of suspicion of preferential treatment of any particular class or community."

Later on, he observed :

"The effect of such reservation is that a European, or one who is included in that term, for whom a compartment is reserved may travel in any compartment he likes but an Indian suffering from the disability of not being classed as a European is debarred from travelling in the European reserved compartment. I am unable to concede that such an apparently invidious distinction is not to be considered preference in favour of one community to the prejudice or disadvantage of another."

Sir, I believe that the Government case is that this arrangement is suited to the religious susceptibilities and the peaceful disposition of the Indians Now, Sir, the logical consequence of such an argument would be that member of the province from which my Honourable friend, Nawab Si Sahibzada Abdul Qaiyum, comes will have to be provided with a reserved compartment because a timid Bengali like myself may not like to trave with him. Furthermore, separate compartments may have to be provided for Hindus and Muhammadans, Jains and Christians. I do trust tha Government are not going to take up this position and I hope the House will give me leave to introduce this Bill.

The motion was adopted.

Mr. K. C. Neogy : I introduce the Bill.

THE WORKMEN'S FREEDOM BILL.

Mr. N. M. Joshi (Nominated : Labour Interests) : I move for leave to introduce a Bill to repeal legislation making breaches of contract of service, absence from work and desertion on the part of artificers, labourers and workmen and the enticing away, harbouring or employing of labourers under labour contract a penal offence.

Since I gave notice of my Bill the Government have introduced certain legislation which includes a part of the legislation which my Bill seeks to repeal. I therefore propose to omit that part which is included in the Government Bill. The Government have introduced legislation to repeal the Workmen's Breach of Contract Act which is included in my Bill. They have also included in their Bill sections 490 and 492 of the Indian Penal Code which are included in my Bill. I therefore omit these from the Bill which I ask for leave to introduce.

Mr. Deputy President : The Honourable Member is not entitled to do anything of the kind now. He may ask for leave to introduce the Bil as it is.

Mr. N. M. Joshi : Then I will ask for leave to introduce the Bill as it is. I hope the House will give me leave to introduce it.

The Honourable Mr. A. C. Chatterjee (Industries Member) : I wish to point out that, as has already been mentioned by the Honourable th Mover, a Bill has already been introduced by Government which deals with

two-thirds of his proposals. There is only one point left in his Bill and that is with regard to certain provisions of the Assam Labour and Emigration Act. Those provisions, as the Honourable Mover is aware, have been inoperative for many years by executive notification, and I can give him the assurance that there is no intention whatever on the part of Government to make those provisions effective in the near future. I can give him the further assurance that before Government take any action towards rescinding the present notifications and making those provisions again effective, the views of this House will be obtained. I hope that in view of the assurance given by me he will withdraw his Bill. Otherwise I sall be obliged to oppose this motion.

Mr. N. M. Joshi : In view of the assurance given by the Honourable Mr. Chatterjee I have great pleasure in withdrawing my Bill. Before I sit down I want to make a request to Government that they should at an early date undertake the examination of this Act and get these sections repealed as soon as possible.

The motion was, by leave of the Assembly, withdrawn.

THE SPECIAL MARRIAGE (AMENDMENT) BILL.

Dr. H. S. Gour (Central Provinces, Hindi Divisions : Non-Muhammadan) : Sir, my Bill is a very small Bill and deals with a small point. It is simply this. This Special Marriage Act was enacted in 1872 when they had no statutory provision regulating the age of majority. Consequently the framers of the Act fell back upon the English law of majority and enacted in section 2, clause (3) that each party must if he or she has not completed the age of 21 years have obtained the consent of his or her father or guardian. Three years later the Indian Majority Act was enacted and it fixed the age of 18 years as the age for majority. Now the corresponding change in the Act of 1870 has not been made, with the result that if a person between the age of 18 and 21, having no father alive wishes to marry, he or she cannot marry at all because under the Guardian and Wards Act a person after he completes the age of 18 cannot have a guardian and yet this Act enacts that a person between the age of 18 and 21 shall obtain the sanction or consent of the guardian. It is merely to correct this anachronism in the law that I wish to introduce this short Bill. Sir, I ask for leave to introduce it.

Mr. Deputy President : The question is :

"That leave be given to introduce a Bill further to amend the Special Marriage Act, 1872."

The motion was adopted.

Dr. H. S. Gour : Sir, I introduce the Bill.

THE INDIAN STAMP (AMENDMENT) BILL.

Mr. C. Duraiswami Aiyangar (Madras Ceded Districts and Chittoor : Non-Muhammadan Rural) : I rise to ask for leave to introduce a Bill to amend the Indian Stamp Act, 1899.

The only point in it is as the law exists in section 35 of the Indian Stamp Act all documents which are not stamped or insufficiently stamped can be admitted in evidence on payment of a penalty except in so far as the case of promissory notes and bills of exchange are concerned. There is an exception there by which the promissory note will be altogether excluded and no action can lie upon it if it is not stamped. My object

[Mr. C. Duraiswami Aiyangar.]

is to make the law to validate insufficiently stamped or non-stamped documents on an uniform basis and my chief ground is that in this country people do not properly understand what is meant by a promissory note or a negotiable instrument. Therefore difficulties often arise. I do not want to say anything more on this occasion because I can tell the House that I consulted the Honourable Sir Basil Blackett about it and he has consented to my introducing the Bill at this stage, though changes will have to be made at a later stage. I therefore beg leave of the House to introduce my motion.

The Honourable Sir Basil Blackett (Finance Member): The Honourable Member who desires to introduce this Bill must have misunderstood me when I spoke to him because I never agreed that I would not oppose the Bill at the introduction. He must have misunderstood the conversation that we had in the lobby a day or two ago. I desire to oppose this Bill and I do so for several reasons. The Bill is an attack on the Government stamp revenue. It is an attack on the stamp revenue of the Provincial Governments and it was decided only a little more than a year ago, when the Government were amending the Stamp Act in 1923, that it was undesirable to make the change which is now proposed. The Select Committee on the Stamp Bill, what is now the Stamp Act of 1923, reported as follows:

> "While therefore we are by a majority of opinion that the enhancement of the stamp duty on promissory notes is justifiable we are at the same time of opinion that the rigour of the above quoted provision should be relaxed at least temporarily. We do not recommend a permanent relaxation"—(*which is what is now proposed by the Mover of this Bill*)—"because it appears that the exception which is made in the case of promissory notes to the rule that documents not duly stamped may be received in evidence on payment of a penalty is a provision of very long standing both in the English and the Indian law and to do away permanently with this provision would lead to evasion of payment of duty on a large scale."

The sections which the Honourable Member in his Bill proposes to amend have come down in their present form from as long ago as 1879. When the law was amended in 1879 the provisions relating to penalties and validation were completely changed and among other things a distinction was drawn for the first time between bills of exchange, promissory notes and instruments chargeable with one anna on the one hand and other classes of instruments on the other hand, and the former were not allowed to be validated under any circumstances. The reasons for making this distinction and not allowing the promissory notes and instruments chargeable with one anna to be validated under any circumstances were in the first instance that this was in accordance with the English law. The argument was also that it is more easy to evade payment of duty in the case of adhesive stamps than in the case of other stamps and more in the case of certain classes of documents which may run their course and can be automatically cancelled without ever being produced either before a Civil Court or a Government servant. The argument that is pressed by the Honourable Mover is that this leads to injustice inasmuch as on account of the illiteracy in the country a number of innocent persons suffer and that from the point of view of revenue it might pay to validate these instruments on payment of a penalty rather than to prohibit their validation. Now bills of exchange and cheques are in practice often negotiated and the transactions pass through the hands of many people. Any one who handles them is likely to bring to light the defective stamping or actually to make up for

it by affixing a stamp and in any case it is always open to the banker who may deal with these at some time or other to affix the stamp of validation. In these cases therefore the argument in respect of loss of revenue is not very cogent. But with regard to promissory notes, many of them are never seen except by the drawer and the drawee. When they come to Court it is the lender who is likely to bring them before the Court, not the man who has borrowed ; and the lender is not usually an illiterate person. It is therefore not I think a very strong argument to claim that this provision is a hardship on the illiterate person. The difficulty is that if these documents are not stamped in the first instance and are allowed to be validated simply by an addition of the stamp, even with the addition of a penalty and quite a high penalty, the loss of revenue is likely to be quite severe ; because in practice it will mean that no document will be stamped except when it has to come before a Court. I am aware that the Honourable Mover will say that as a matter of fact the present condition of the law leads to perjury. He will argue that if a document is not stamped and has not been stamped at the proper time and eventually it is desired to bring it before the Court, some means will be found for stamping it and claiming that it was stamped in proper time ; or that other means will be found of evading the duty. But I would point out to the Honourable Member that for over 40 years this has been the provision of the law in India. This provision is based on the English precedent. The same rule applies in the case of the English stamp law. The argument in regard to illiteracy has, as I have pointed out, to be substantially discounted because it may safely be assumed as a general rule that it is the lending class who are likely to be the sufferers by the existing provision and the lending class is not illiterate. It may be that occasional hardships occur, but I think that the tax-payer in general and the provincial tax-payer has to consider seriously the loss of revenue that would be thrown upon him by a change in the law at this date. Though stamp legislation is a central subject stamp revenue is a provincial one, and I have not heard that the Honourable Member has been invited by any of the Local Governments to introduce this legislation. It is very difficult to estimate the revenue from that class of documents. Ordinarily, in fact in almost all cases excepting cheques, they are stamped with adhesive stamps and usually with unified postage revenue stamps. The, amount which is credited to stamps on account of the share of unified revenue and postage stamps is something approaching 20 lakhs a year ; but there are reasons to doubt as to whether our statistics tell us exactly what the revenue from these stamps is, and we must also remember, as I pointed out at the beginning of my speech, the revenue from stamps was altered by the Stamp Act of last year, and we have not yet made complete calculations as to what was the effect of that action and what is the revenue from this particular form now. But unified postage stamps and revenue stamps are used of course in other kinds of instruments and there are no data for estimating the stamps affixed on cheques or the proportion which the unified stamp bears to other adhesive stamps, or the proportion which the revenue from this class of documents bears to that from other documents in respect of the unified postage and revenue stamps. It would hardly be worth while to attempt any estimate, unless indeed this Bill were to be taken seriously by the House and passed on to the second reading, in which case we should undoubtedly have to consider very carefully what revenue

[Sir Basil Blackett.]

is at stake and what we are risking by even considering the proposal that is made. But on the ground of principle that this is an attack on the stamp revenue and an attack on the stamp revenue not only of the Central Government but also of the stamp revenue of Provincial Governments, and that it has not so far as I know been instigated by any Provincial Government, I desire on behalf of the Government to oppose this motion.

(Mr. C. Duraiswamy Aiyangar rose to speak).

Mr. Deputy President : The Honourable Member has no right of speech.

The question is :

"That leave be given further to amend the Indian Stamp Act, 1899."

The Assembly divided :

AYES—27.

Abhyankar, Mr. M. V.	Murtaza Sahib Bahadur, Maulvi Sayad.
Aiyangar, Mr. C. Duraiswami.	Narain Dass, Mr.
Aney, Mr. M. S.	Nehru, Dr. Kishenlal.
Channan Lall, Mr.	Nehru, Pandit Shamlal.
Das, Mr. Nilakantha.	Neogy, Mr. K. C.
Duni Chand, Lala.	Patel, Mr. V. J.
Gulab Singh, Sardar.	Ramachandra Rao, Diwan Bahadur M.
Hans Raj, Lala.	Ranga Iyer, Mr. C. S.
Iyengar, Mr. A. Rangaswami.	Ray, Mr. Kumar Sankar.
Kartar Singh, Sardar.	Samiullah Khan, Mr. M.
Malaviya, Pandit Madan Mohan.	Singh, Mr. Gaya Prasad.
Mehta, Mr. Jamnadas M.	Sinha, Kumar Ganganand.
Misra, Pandit Shambhu Dayal.	Venkatapatiraju, Mr. B.
Misra, Pandit Harkaran Nath.	

NOES—47.

Abdul Qaiyum, Nawab Sir Sahibzada.	Jinnah, Mr. M. A.
Ahmed, Mr. K.	Kasturbhai Lalbhai, Mr.
Aiyer, Sir P. S. Sivaswamy.	Lindsay, Mr. Darcy.
Ajab Khan, Captain.	Lloyd, Mr. A. H.
Badi-uz-Zaman, Maulvi.	Mahmood Schamnad Sahib Bahadur, Mr.
Bhore, Mr. J. W.	Makan, Mr. M.E.
Blackett, The Honourable Sir Basil.	Monerieff Smith, Sir Henry.
Burdon, Mr. E.	Muddiman, The Honourable Sir Alexander.
Calvert, Mr. H.	Muhammad Ismail, Khan Bahadur Saiyid.
Chalmers, Mr. T. A.	Nag, Mr. G. C.
Chatterjee, The Honourable Mr. A. C.	Parsons, Mr. A. A. L.
Crawford, Colonel J. D.	Purshotamdas Thakurdas, Sir.
Das, Mr. Bhubanananda.	Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed.
Duval, Mr. H. P.	Rushbrook-Williams, Prof. L. F.
Fleming, Mr. E. G.	Sams, Mr. H. A.
Ghazanfar Ali Khan, Raja.	Sastri, Diwan Bahadur C. V. Visvanatha.
Hezlett, Mr. J.	Singh, Rai Bahadur S. N.
Hindley, Mr. C. D. M.	Sykes, Mr. E. F.
Hira Singh, Sardar Bahadur Captain.	Tonkinson, Mr. H.
Holme, Mr. H. E.	Tottenham, Mr. G. R. F.
Hudson, Mr. W. F.	Webb, Mr. M.
Hussanally, Khan Bahadur W. M.	Willson, Mr. W. S. J.
Hyder, Dr. L. K.	Wilson, Mr. R. A.
Innes, The Honourable Sir Charles.	

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 24th September, 1924.

LEGISLATIVE ASSEMBLY.

Wednesday, 24th September, 1924.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

Temporary Assistants and Clerks in the Government of India Secretariat.

2358. ***Khan Bahadur Sarfaraz Hussain Khan** : Will the Government be pleased to lay on the table a statement showing :

(*a*) Number of temporary assistants and clerks employed in each Department of the Government of India Secretariat, separately.

(*b*) Total length of their temporary service.

(*c*) Number of assistants and clerks who have been confirmed since the leave reserve system was enforced.

(*d*) Total length of temporary service with the Government of India of the men mentioned in (*c*).

The Honourable Sir Alexander Muddiman : (*a*), (*b*) and (*d*). The information is not readily available and Government do not consider that it would serve any useful purpose to collect it.

(*c*) 71 Assistants and Clerks have been confirmed since the leave reserve system was sanctioned.

Permanent Appointments for Temporary Assistants and Clerks in the Government of India Secretariat.

2359. ***Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Is it a fact that men with greater length of service have not been confirmed, and the men with less temporary service have been made permanent ?

(*b*) If so, will the Government please give reasons ?

The Honourable Sir Alexander Muddiman : (*a*) and (*b*). The Honourable Member is referred to the reply which I gave to a similar question by Sardar V. N. Mutalik the other day (No. 2247).

Provision of Family Quarters in Simla for Daftries employed in the Government of India Secretariat.

2360. ***Khan Bahadur Sarfaraz Husain Khan** : (*a*) Is it a fact that the question of providing family quarters in Simla for the Daftries employed in the Government of India Secretariat is under the consideration of Government ?

(*b*) If so, will the Government please state since when the question has been under consideration, and when it is likely to be disposed of ?

The Honourable Sir Alexander Muddiman : (*a*) The answer is in the affirmative.

(*b*) The question has been under consideration for many years. But the matter has not been lost sight of, and Government are doing what they can with the limited funds available for the purpose. I understand that some additional quarters are now under construction, but it cannot be said definitely at present when the scheme will be completed. It depends to some extent on the question of the occupation of the permanent quarters at Delhi, as to which nothing has yet been definitely settled.

GRANT OF TECHNICAL AND OVERSEAS ALLOWANCES TO RAILWAY OFFICERS.

2361. ***Lieut.-Colonel H. A. J. Gidney :** (*a*) Will the Government be pleased to state whether technical and overseas allowances are permissible to the following class of officers :—To Railway officers with British training, British Railway experience, and British qualifications [A.M.I.C. (E)] entertained as such in India and confirmed in their appointments *prior to April 1921* when the Rules controlling these allowances came into effect on Indian Railways ?

(*b*) If the answer is in the affirmative, will the Government be pleased to state why these allowances are being denied to certain Railway officers, and in particular to some officers on the M. and S. M. Railway ?

Mr. A. A. L. Parsons : (*a*) As regards *technical* allowance, India recruited officers other than of the Traffic and Stores Departments possessing the qualifications stated are eligible on State lines for the allowance. The orders were, however, not brought into effect in respect to all officers from the same date.

As regards *overseas* allowance, the reply is in the affirmative provided their domicile is elsewhere than in Asia. Officers of the Stores Department are, however, not eligible for the allowance.

(*b*) The Honourable Member does not state to what particular officers he refers but the orders above referred to are applicable to State lines only and discretion to adopt them was left to Companies concerned.

GRANT OF HOUSE RENT ALLOWANCES TO THE CLERICAL ESTABLISHMENT OF THE INDIAN STORES DEPARTMENT.

2362. ***Kumar Ganganand Sinha :** (*a*) Is it a fact that the Indian Stores Department move between Simla and Delhi along with the Government of India ?

(*b*) Is it a fact that members of the staff of the Indian Stores Department get neither house rent allowance nor free accommodation in Simla ?

(*c*) Are Government aware that clerks in lower grades find it almost impossible to secure a sanitary house on reasonable rent compatible with their emoluments ?

(*d*) Are Government aware that most of the clerks have to pay between 25 and 30 per cent. of their emoluments as house rent for private houses in Simla ?

(*e*) Is it a fact that the maximum rate of rent of Government quarters even in ordinary stations fixed by the Government is 10 per cent. as laid down in 45 (*b*) of the Fundamental Rules ?

(*f*) If replies to (*a*) to (*e*) are in the affirmative are the Government prepared to allot a proportionate number of Government quarters to the Indian Stores Department also or grant them house rent allowance in case no quarters are available ?

The Honourable Mr. A. C. Chatterjee : (*a*) The present arrangement which is purely temporary, is as stated.

(*b*) Presumably the Honourable Member is referring to the clerical establishment of the Chief Controller's office. It is true that they do not enjoy either of the concessions mentioned. I may state, however, that while at Delhi they get a camp allowance on the same scale as is granted to men of corresponding status in other attached offices.

(*c*) and (*d*). The Government have no information.

(*e*) The Honourable Member can himself interpret Fundamental Rule 45.

(*f*) Government do not propose to make any alteration in the existing arrangements, which are the same for the Indian Stores Department as for any other attached office.

STENOGRAPHERS IN THE ARMY HEADQUARTERS.

2363. ***Kumar Ganganand Sinha :** Is it a fact that the services of stenographers are utilized in the Army Headquarters, if so, why are there no sanctioned appointments analogous to those of Civil Secretariat Offices ?

Mr. E. Burdon : The services of part-time stenographers are utilised in the Army Headquarters offices, on varying allowances, in addition to pay of clerical appointments. In one office only is a full time stenographer employed. The conditions obtaining in Army Headquarters do not justify the employment generally of whole-time stenographers as in offices of the Civil Secretariat.

ALLOWANCES TO CLERKS WHO HAVE QUALIFIED IN STENOGRAPHY.

2364. ***Kumar Ganganand Sinha :** Is it a fact that the departmental men who used to pass the test in stenography of the Education Department prior to the creation of the Staff Selection Board were granted an allowance as a compensation for their labours and for the maintenance of their speed. If so, why is this allowance not granted to the qualified departmental stenographers now ?

The Honourable Sir Alexander Muddiman : The answer to the first part of the question is in the affirmative. These allowances were withdrawn in February 1923, in view of the fact that the strength of stenographers in each Department is now generally fixed with reference to the amount of shorthand work to be done. It was therefore considered that the payment of these allowances to encourage clerks to become proficient in stenography was unnecessary.

CASE OF MR. RAM SARAN DAS PUNJ, A CLERK IN THE PUNJAB EDUCATION DEPARTMENT, ON DEPUTATION TO THE INDIAN MUNITIONS BOARD.

2365. ***Lala Duni Chand :** 1. (*a*) Is it a fact that one Mr. Ram Saran Das Punj, a clerk in the Punjab Education Department was taken in the Indian Munitions Board on Rs. 90 per mensem in November, 1917, retaining his lien for 5 years on his original substantive appointment ?

(*b*) Is it also a fact that after the expiry of 5 years, the P. E. Department refused to extend the lien any further and consequently the Chief Controller (Surplus Stores) permitted him to resign his substantive post on an undertaking of a permanent appointment having been given to him in the Government of India, Department of Industries or in the Indian Stores Department ?

(*c*) Is it also a fact that in pursuance of the arrangement above referred to Mr. Punj was given a permanent appointment by the Staff Selection Board on Rs. 140 per mensem from the 30th July, 1923 in the P. W. Branch of the Department of Industries and Labour ?

(*d*) Is it also a fact that only about a week after he had joined the permanent appointment, his services were dispensed with without any reasons being assigned ?

(*e*) Is it also a fact that on a representation having been made by the said Mr. Punj, the charge disclosed against him was that " he was responsible for the issue of anonymous petitions against Government officials " while he was serving in the Indian Munitions Board ?

(*f*) Is it a fact that for 3 years, after the alleged wrongful behaviour on his part, the said Mr. Punj was allowed to remain in service in the office of the Chief Controller (Surplus Stores), was granted promotions (rising to Rs. 200 per mensem from Rs. 90 per mensem on which he joined in November, 1917), and was permitted to resign his substantive appointment in the Punjab Education Department by the same officer who had charged him with writing anonymous letters ?

(*g*) Is it also a fact that no charge was framed against the said Mr. Punj and he was absolutely given no opportunity to disprove the charge ?

(*h*) Are the Government prepared to reconsider his case ?

The Honourable Mr. A. C. Chatterjee : (*a*) Yes.

(*b*) No. Mr. Ram Saran Das refused to rejoin his substantive appointment in the Punjab Education Department on the expiry of the period for which he was granted a lien on his appointment. No promise of a permanent appointment under the Government of India was given to him.

(*c*) and (*d*). No. He was given a temporary appointment in a leave vacancy in the Public Works Branch of the Department of Industries and Labour.

(*e*) Yes.

(*f*) It is a fact that Mr. Ram Saran Das remained in the service of the Government of India for a considerable period after the incident referred to, because it was not brought to the notice of Government earlier. As already stated, he voluntarily refused to rejoin his substantive appointment in the Punjab Education Department.

(*g*) Government are not prepared to reconsider the case.

MOVEMENT AGAINST THE PAYMENT OF THE CAPITATION TAX IN THE TAVOY DISTRICT, BURMA.

Mong Tok Kyi : (1) Has the attention of the Government been drawn to a press communiqué, dated Rangoon, the 19th September 1924, stating " movement to refuse payment of Capitation Tax has spread widely

in Tavoy District. Is it a fact that prosecutions having proved ineffective, Government have decided to declare more prominent Associations engaged in agitation, unlawful and to quarter additional police in villages where disturbance is expected" ?

(2) Are Government prepared to direct the Burma Government to suspend action in the matter ?

The Honourable Sir Alexander Muddiman : I have received information from the Government of Burma that Tavoy district is in a disturbed state owing to a serious movement to refuse payment of Capitation Tax, and of their intention to declare certain Associations unlawful under the Criminal Law Amendment Act. I have asked for a full report on the situation, and, in the absence of details, am unable to make any further statement.

(At this stage Mr. President called out Mr. Ranga Iyer's name, as there was a question for answer at short notice in his name. The Honourable Member was not in his place.)

Mr. President : The Honourable Member gave private notice of a question and asked me to waive the period of notice. He is not now in his place to ask it. I consider that that is not the proper way to treat either the House or the Chair or the Honourable Member of Government who is asked to answer the question.

UNSTARRED QUESTION AND ANSWER.

PAY, ETC., OF THE DEPUTY CONTROLLER, PRINTING CLEARING OFFICE.

470. **Lala Hans Raj :** (*a*) Is it a fact that the officer in charge of the Printing Clearing Office is in receipt of a grade pay of Rs. 750—50—1,000 per mensem in addition to a special pay of Rs. 150—50—200 per mensem ?

(*b*) If the reply be in the affirmative, will Government be pleased to state what the officer's duties are and the necessity for granting him special pay in addition to the grade pay ?

(*c*) Is it a fact that the officer in question was until recently a Superintendent in charge of an ordinary Branch in the Department of Industries and Labour ? If so, what were his emoluments as such ?

(*d*) What is the rate of pay drawn by the Superintendents of the Simla, Delhi and Calcutta Presses and how long have the incumbents of these posts held them ?

(*e*) What establishments does the Printing Clearing Office comprise compared with those under the control of the Superintendents of the three Presses named ?

(*f*) Is it a fact that in addition to the officer in charge of the Printing Clearing Office there are two other highly paid officers ? If so, what are their pays and is it a fact that one of these officers was a Superintendent of a Press in Simla ?

(*g*) What is the reason for granting the officer in charge of the Printing Clearing Office higher pay than that of Superintendents of Government Offices and of Presses ?

The Honourable Mr. A. C. Chatterjee : (*a*) Yes ; except that the rate of increment in the case of special pay is Rs. 10 and not Rs. 50.

(*b*) The main duties of the officer are the control of printing work and its distribution to the presses, and the control of the use of forms. The special pay has been given partly as compensation for the loss of

all Simla allowances to which the officer was entitled in his former appointment and partly to cover the extra responsibility involved.

(*c*) Yes. His emoluments as a Secretariat Superintendent were Rs. 600—40—800 *plus* the usual house rent allowance admissible under the Simla Allowances Code.

(*d*) The Superintendent, Government Printing, India, Calcutta, is in receipt of Rs. 1,250, *plus* exchange compensation allowance, and has held this appointment for eighteen years. The posts of Superintendent in Simla and Delhi have been abolished and the presses are in charge of Managers. The Manager at Delhi is in receipt of Rs. 770 and has held his post for eighteen months ; the Manager at Simla is in receipt of 1,000 and has held his post for six months.

(*e*) The number of persons employed in the Printing Clearing Office is 16. The numbers employed in the three presses named are 374, 362, and 1,098, respectively.

(*f*) The Deputy Controller has two Assistants on Rs. 550—40—750 and Rs. 500—25—700, respectively. One of the Assistants was a Deputy Superintendent in charge of the Government Monotype Press, Simla.

(*g*) The pay is not based on the scale given to Managers of Presses, whose work is of an entirely different character. It is in excess of that given to Secretariat Superintendents because the post of Deputy Controller is one of greater responsibility and demands greater capacity.

ELECTION OF MEMBERS TO THE STANDING FINANCE COMMITTEE FOR RAILWAYS.

Mr. President : The House will now proceed to elect members to the Standing Finance Committee for Railways. 29 members have been nominated for eleven seats. Instructions are printed at the foot of the ballot paper. Members will now come to the table and receive their ballot papers. I think it will be more orderly than it was on the previous occasion if they come in the order in which I call them.

Nawab Sir Sahibzada Abdul Qaiyum (North West Frontier Province: Nominated Non-Official) : Sir, I beg to withdraw my name.

Mr. President : All I can do now is to ask Honourable Members to take notice that Sir Abdul Qaiyum does not wish to serve on the Committee. His name is printed on the ballot paper.

(The ballot was then taken).

Mr. President : I do not expect to be able to announce the result of the election before the end of to-day's proceedings. Therefore, the official announcement of the result will be made in the Gazette.

PROPOSED PRESENTATION OF AN ADDRESS TO H. E. THE VICEROY *RE* THE NEXT SESSION OF THE ASSEMBLY.

(Mr. V. J. Patel rose to speak.)

Mr. President : The Honourable Member (Mr. V. J. Patel) has given notice of his desire to move the presentation of a formal address

to the Governor General under Standing Order 74 in the following terms :

" That a humble address be presented to His Excellency the Governor General requesting that he be pleased to summon the next session of the Legislative Assembly on some date after the expiration of four years from the time of the first meeting of the Assembly, so as to enable the Assembly to exercise its right of electing its President under section 63C (1) of the Government of India Act."

The Honourable Member proposes to use a method which is not available. Standing Order 74 is not in itself an operative Standing Order, but only provides the means whereby communications, under other provisions of the procedure, shall be transmitted to His Excellency the Governor General ; that is to say, to give an instance, where this Chamber and the other Chamber fail to agree on a Bill and there is no other course of action open, then report is made to His Excellency the Governor General of the fact that there is no agreement. It is for that purpose and other such purposes that Standing Order 74 provides the channel, but not for the purpose of such a motion as this.

RESOLUTION *RE* ABOLITION OF THE COTTON EXCISE DUTY—*contd.*

Mr. President : The House will now resume the debate on the Resolution moved by Mr. Kasturbhai Lalbhai on the 20th March 1924 in the following terms :

" That this Assembly recommends to the Governor General in Council to take early steps to abolish the cotton excise duty as recommended by a majority of the Indian Members on the Indian Fiscal Commission and to be pleased to direct the Tariff Board to further examine the question of protection to the Indian cotton mill industry at an early date."

Mr. Harchandrai Vishindas (Sind : Non-Muhammadan) : Sir, my right to speak on this subject arises from the fact that I myself have got a very vivid recollection of the occasion when this excise duty was imposed in the year 1896. I distinctly remember the shriek of indignation and horror that it evoked throughout the length and breadth of the country both amongst the Indian Press and the Indian public as also amongst some impartial Anglo-Indian newspapers. But, Sir, the history of the struggle between Lancashire and Indian industries goes far back. Now, Sir, the reason why a shriek of horror and indignation was caused in the country by the imposition of this unholy duty was that not only was it considered to be against the interests of the country that this duty should be imposed, but that there was a clear, unabashed admission on the part of the Government Members that it was so. It was at the dictation of the Home Government in the interests of Lancashire industries that this duty was to be imposed, otherwise there was no justification for it. But, Sir, if we go into the history of the struggle between India and Lancashire, for the matter of that, the struggle between India and England, over the cotton industry or piece-goods industry, we have to go somewhat far back. Lecky in his " History of England in the 18th Century " says :

" At the end of the seventeenth century great quantities of cheap and graceful Indian calicoes, muslins and chintzes were imported into England, and they found such favour that the woollen and silk manufacturers were seriously alarmed. Acts of Parliament were accordingly passed in 1700 and 1721 absolutely prohibiting, with a very few specified exceptions, the employment of printed or dyed calicoes in England."

Then it was said :

" It is indeed very doubtful, had prohibitive duties not been imposed on Indian goods, whether the cotton mill industry in England could ever have made

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the progress which it did in the first half of the nineteenth century; in any case, it is certain that owing to the political domination in India England was able to cripple very seriously the great hand-loom industry of India."

Having done so, the next stage to which I refer is 1874. For fiscal purposes it was found necessary to impose import duties on piece-goods coming from England, 3½ per cent. on yarn and 5 per cent. on piece goods. This naturally created a great howl in Lancashire and memorials were sent by the Manchester Chamber of Commerce to Parliament to inquire into this. The Duke of Argyll, who was at that time the Secretary of State for India, sent these memorials to the Government of India for investigation and report. The Manchester Chamber of Commerce found a very opportune time here, because at that time Mr. Gladstone's administration, which was very unpopular, was tottering; it was found that there would be an election very soon and the Lancashire vote would be a very valuable one; and so it happened that lots of Conservative members promised their support to Lancashire and the result was that when the Government of India sent their report to the Home Government to say, in response to the Secretary of State, that really there was no justification for the abolition of these import duties, the Home Government insisted, with the result that Lord Northbrook, who was a very conscientious and just Viceroy, was obliged to resign rather than to submit to this dictation. Well, Sir, as you are all aware, Lord Northbrook was succeeded by Lord Lytton, who was of a different stuff altogether, and for his Finance Member he had Sir John Strachey, who was, according to him, a confirmed free-trader. Well, Sir, the long and short of it is that these duties were abolished. The next stage is when these duties were reimposed. But at the time of the abolition it was found that the Government of India did a great wrong to the people of India and to the piece-goods industry of India and also to the finances of India, because at that time there was a great financial stringency on account of the Madras famine and also on account of the Afghan war. So much so that one Member of the Executive Council made a very strong protest against this imposition. As a matter of fact, even in the Executive Council there was a majority of members against the abolition of these duties, but Lord Lytton overruled them under the powers which are now known as powers of certification in the interests of the peace and tranquillity of India. But, Sir, there is one significant remark made at the time by Sir John Strachey which is worthy of consideration. Before I come to this remark of Sir John Strachey I would like to refer to one remark of Lord Salisbury, the Secretary of State for India at the time. When this discussion came up in the House of Lords, he made the following remarks in reply to those people who said that the interests of India should be looked into in the first instance:

"It is surprising to find the interests of the English manufacturers treated (in the debate) as matters of small account."

Then, Sir John Strachey said:

"We are often told that it is the duty of the Government of India to think of Indian interests alone and that if the interests of Manchester suffer it is no affair of ours. For my part, I utterly repudiate such doctrines; I have not ceased to be an Englishman because I have spent the greater part of my life in India and have become a member of the Indian Government. The interests of Manchester, at which foolish people sneer, are the interests not only of the great and intelligent population engaged directly in the trade in cotton, but of millions of Englishmen. I am not ashamed to say that while I hope that I feel as strongly as any man the duties which I owe to India, there is no higher duty in my estimation than that which I owe to my own country."

So, Sir, here is a man who is not ashamed to state that, although he is a member of the Indian Government, he is quite prepared to sacrifice the interests of India to those of England, because that is his country. Now, Sir, I do not know whether there is any such statesman now who will be prepared to utter such remarks because I am quite sure he will be afraid of being jumped at by our Swarajists and being torn to pieces for making any such utterance. (*Honourable Members*: " He will be attacked by all.")

Now, Sir, I remember having read that at the time of his death young Pitt cried out " my country, my country ". I think that is a very laudable cry, but I also think that Englishmen who reside in India and who are members of the Government in India, when crying like young Pitt " my country, my country ", should mean India and not England. But I am sorry to say that the Englishmen who come here, whether officials or non-officials, find a very fleeting interest in India and sometimes do not care to look after the interests of India except when they are identical with their own interests. I remember a veterinary surgeon informed me that he had discovered a cure for the glanders and pharcy disease of cattle. So he reported to his chief, who said that he did not want that discovery because it would interfere with the trade of his countrymen in hides and skins. From this you will see the length to which this English patriotism is carried. And that is the reason why these duties were imposed at the time. It was said that, if such considerations had not weighed with those who were in the Government of India at the time, these duties would not have been abolished. That was the time when there was a question only of the removal of the duty that had been imposed upon imported cotton goods. The true history of these excise duties begins from 1894. First of all, a countervailing duty was imposed upon yarn in 1894. In 1894 it appeared that the exigencies of finance were such that it was very necessary to impose duties on imported piece-goods. But, in order to placate Lancashire, Sir James Westland also proposed excise duties on yarns produced in India. But Lancashire was not satisfied with this and the result was that in 1896 these excise duties were imposed. In fact, the summing up of the whole legislation comes to this :

" In 1879, cotton duties were surrendered. In 1882, all import duties, except on salt and liquors, were repealed. In 1894, import duties were reimposed, and an excise duty was imposed on such Indian goods as competed with Lancashire goods. But the surrender of 1896 went farther and deeper. It imposed an excise duty on all cotton goods produced in India."

Now, Sir, it was distinctly stated by Sir James Westland that it was not because this excise duty was considered to be good on its merits that the Government of India imposed it, but it was in obedience to the dictation from home and in the interests of Lancashire that it was done. But Sir James Westland at that time considered himself to be quite helpless.

Now, Sir, the next stage in the history of this excise duty is that it went on until the year 1911 when a Resolution was moved by Mr. (now Sir) Maneckji Dadabhoy in the late Imperial Legislative Council. That Resolution was moved with the object of putting a stop to this excise duty. That Resolution was defeated; but it was distinctly remarked even by English publicists that, if the members of Government had been allowed to vote according to their conscience, that Resolution would have been carried by a majority. Next, Sir, comes the stage in 1916 when Sir Ibrahim Rahimtullah moved a similar Resolution. At that time both the Finance Member, Sir William Meyer, and Lord Hardinge, the Viceroy, made a

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kind of promise that the Members should refrain from pursuing that subject further, but they gave an assurance that as soon as the war was over and as soon as the financial condition permitted, this question would be taken up and the request of the people complied with. So much so, Sir, that Indian members, who were mill-owners themselves, like Sir Fazulbhai Currimbhoy, got up and asked Members not to pursue this question further. This is what Sir Fazulbhai Currimbhoy said then:

"We feel encouraged that the Government of India is with us in this matter and is fighting our cause with all the weight of its position and authority. I would not embarrass such a powerful and earnest champion with ill-timed controversy over this question. Government has the moral support of the whole country. Our Congresses and Industrial Conferences have repeatedly demanded the abolition of this Excise Duty—non-official members of this Council have before now echoed the feeling of the country. When the war ceases, there will be no lack of opportunity to express once again our united opinion on the subject should such an expression of opinion be found necessary. I accordingly hold that no good purpose will be served by agitating the point now."

That was, Sir, in 1916 and it is 1924 now and still we do not see any signs of improvement.

Well, Sir, it is said that "promises like pie crusts are made only to be broken." If this is the case in the present instance I have nothing more to say except that I had always thought that promises were made to be kept.

Now, Sir, there are cogent and palpable reasons why this excise duty should not remain. Government know those reasons and have admitted them. In the first place, the cotton industry of India works under a very great handicap. When an Indian mill is started, as compared with an English mill, in the first place the total debit of the Indian manufacturer stands close upon Rs. 70,000 yearly as against *nil* for the Lancashire manufacturer. Then, Sir, upon that you impose this excise duty of 3½ per cent., which totals another Rs. 1,50,000 per annum, swelling the debit of the Indian mill-owner to over Rs. 2¼ lakhs recurrent annually. So the effect of retaining this excise duty is not only that you allow the competition that already exists very unfavourably against the Indian mills, but the unfavourable circumstance is enhanced by the imposition of the excise duty.

That is one consideration. Then there are various reasons which militate against this excise duty, namely, that in the first place it violates every principle of excise taxation. There is no other country in the world where a similar tax on any industry is imposed, unless such an industry is a State monopoly as the match trade in France and the manufacture of salt in this country. Besides, this duty is unfair and inequitable. It is against the latest declaration of Government in pursuance of the Fiscal Commission's recommendations to give protection to India.

Now, Sir, the two great objections raised against the abolition of this excise duty were summed up in the speech of Mr. Bell delivered last March when this debate was inaugurated. One is that a deficit of 2 crores would result, and it would be necessary to find those 2 crores. The reply to that is that it is very easy for Government to manipulate the finances in such a manner as to find these 2 crores. We are budgetting for 130 crores, of which, if you exclude railway finance estimated at 30 crores, there still remain 100 crores.

Mr. President: Order, order. The Honourable Member is embarking on a very large subject, and I think I had better warn him that his time

is drawing to a close. (*The Honourable Sir Basil Blackett*: "Hear, hear.")

Mr. Harchandrai Vishindas: Of course this would please the Honourable Sir Basil Blackett who shouts "Hear, hear", because he will not be able to reply to my arguments.

The other point made by Mr. Bell was that the hand-loom industry would be affected. That theory has been exploded by the Honourable Mr. Kasturbhai. As regards the 2 crores I said that that could be very easily adjusted. At any rate it is not a question which cannot be solved in course of time. I dare say if Government were good enough to abolish the excise duty, we could very easily come to some understanding. In the case of readjustments, there are sure to be some demands which are likely to lapse, as, for instance, the expenditure on new Delhi, which will shortly be done away with, and so on.

I will conclude now with only a short story lasting for one minute. There was a Professor in an Indian College who was lecturing his students on the immorality of any Government taxing the industries of its own country; and he also said that it was the duty of every Government to protect its own industries. Then a student got up and said: "But your Government of India is acting entirely contrary to that." The Professor hung his head and simply said, "My dear fellow, politics should not be discussed in a class room".

Mr. President: It will simplify the debate if I indicate to Members the course the debate should take. Honourable Members will observe that the Resolution itself is strictly confined to the fiscal treatment of a particular industry; therefore, practically, all Mr. Joshi's amendments are out of order, except parts of (*b*) which are a little difficult to disentangle from the rest.

The second half of Dr. Lohokare's amendment is also out of order. The part where it is proposed to reduce the excise duty is in order.

No. 3, Khan Bahadur Sarfaraz Hussain Khan's amendment proposes to make a small change in wording, substituting the word "immediate" for the word "early".

No. 4, Mr. K. C. Neogy's amendment, is of the greatest substance, because it proposes to omit the second half of the Resolution and therefore raises not exactly a negative but an alternative suggestion to the Resolution.

The next amendment by Khan Bahadur Sarfaraz Hussain Khan will be covered by the debate which will arise on Mr. Neogy's amendment.

The next will only arise if Mr. Neogy's amendment is defeated.

Mr. M. K. Acharya's amendment, proposing to raise the customs duty on imports by 5 per cent. all round is clearly out of order.

The same remarks apply to the amendments of Dr. H. S. Gour, Haji S. A. K. Jeelani and Seth Govind Das.

Honourable Members will realise that I cannot allow a debate arising out of a restricted Resolution of this kind to develop into a debate on the whole fiscal policy of the country, which would be the case if I admitted these amendments.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, I beg to move:

"That all the words after the words 'Indian Fiscal Commission' be omitted."

[Mr. K. C. Neogy.]

The House will realise that this Resolution raises two distinct issues. The first is about the abolition of the cotton excise duty, the second is an inquiry into the present condition of the cotton industry so as to find out whether it deserves protection, apart from the abolition of the cotton excise duty. Well, so far as the first issue is concerned, Indian opinion is practically unanimous in support of it, and there may be Members of this House who are prepared to support the first issue but may hesitate to give their unstinted support to the second. In this view I think that it will be better, in the interests of the main question that we are now discussing to circumscribe the scope of the debate and leave the second portion of the Resolution to be debated on some further occasion. I will therefore request my Honourable friend, the Mover of this Resolution, to accept my amendment.

I recollect Mr. Bell trying to make out a strong case in favour of the retention of the excise duty on the ground that it acted as a protection to the hand-loom industry. I believe his has been the only speech so far that has pleaded in favour of the retention of this unjust impost. I was therefore very much interested to read a copy of a letter which our late colleague, Mr. Bell, in his capacity as Director of Industries, Bombay, has addressed to another former colleague of ours, Mr. Manmohan Das Ramji. The letter is dated Bombay the 2nd May, 1924, and there Mr. Bell points out that it was not his intention to support the retention of these duties on the ground that they acted as protective duties so far as the hand-loom industry was concerned. This is what he says :

"I hope that my speech has not been interpreted as a suggestion that the 3½ per cent. duty should be retained as a protection of the hand-loom. I certainly hold no such view."

This statement of Mr. Bell's clears the ground very considerably. Now, Sir, so far as the hand-loom industry manufactures from fine and imported yarn, I do not think my Honourable friend Sir Charles Innes will contend that these duties act as a protective duty to that industry. And coming as I do from Dacca, I am in a position to state that, so far as the finer kinds of cloth woven with the help of hand-looms are concerned, they will not at all be affected by the withdrawal of these duties. Then as regards the coarser kind of cloth, which are manufactured by hand-looms, I believe Bihar manufactures a very large quantity of coarser cloth with the help of hand-looms, and I am assured by my Honourable friend Mr. Gaya Prasad Singh that that industry in Bihar will not also be affected if these duties were removed. We must remember that the manufacturers of the coarser kinds of cloth use very largely Indian yarn, the surplus which the Indian mills cannot consume for their own purposes, and in that view of the matter it will be seen that if, as a result of the removal of these duties the cost of production of the Indian mill yarn is reduced, the hand-loom industry in India, in so far as it utilises the coarser Indian yarn, will also be greatly benefitted. I yield to none in my desire to see the hand-loom industry established as a large cottage industry throughout India, and therefore I submit that Government should give their earnest consideration to the recommendations of the Fiscal Commission with regard to giving some direct protection to this industry. My Honourable friend Mr. Kasturbhai Lalbhai has already pointed out that, when we come to the tariff schedule, we find that the duties that are at present levied on the parts of machines which are worked by manual or animal labour, which of course include all parts which

are used for hand-looms, are subject to a high duty of 15 per cent., whereas the parts of other machinery, including the power driven cotton mills, are subjected to the duty of 2½ per cent. only. I think it is up to the Government to reduce the duty on the parts of the hand-loom machines. Furthermore they should consider the question of the abolition of the import duty on yarn, and in that way they can help the hand-loom industry a great deal. Now, Sir, I am aware that the main argument on the Government side will be that we are not in a position to sacrifice this large revenue that is at present derived from the cotton excise duties. The argument comes to this, that although this impost was initiated for other than revenue purposes, and although the continuation of this impost cannot be justified on economic grounds, this has got to be continued because my Honourable friend Sir Basil Blackett cannot afford to do without it. I thought that my Honourable friend was very anxious to investigate the incidence of taxation in this country and to find out whether any particular impost weighed unusually heavily on the poorer classes, and it was with that view that he initiated the taxation inquiry, about which we had a discussion only very lately. I therefore hope that my Honourable friend, when he finds that Indian opinion is unanimous in condemning this impost as unjust and iniquitous, will find no difficulty in abolishing these duties altogether.

The Honourable Sir Basil Blackett : What is the substitute ?

Mr. K. C. Neogy : Substitute ? That is for you to find out, not for us. Well, I want to test this argument a little further. The Cotton Excise Act, in its all-pervading incidence, includes even that small, struggling industry, the cotton hosiery industry. I do not think my Honourable friend derives any very great revenue from that source, and yet what is the position ? There is a struggling cotton hosiery industry in Bengal at the present moment. I took some care to inquire into the history of this industry, and I find that in the year 1906 Bengal started this industry mainly for the purpose of manufacturing socks, but the industry died out in a few years. In 1915, taking advantage of the high prices during the war period, this industry revived and about 60 concerns sprang up in Bengal, out of which only 15 survive at present. The total capital invested in these concerns will not, I believe, exceed even 10 lakhs. Some of these are driven by power and some are worked by manual labour. We find that since 1922-23 the general tariff was raised from 11 per cent. to 15 per cent. and the tariff on cotton twists and yarn was raised to 5 per cent. from *nil*, with the result that this industry, which utilises imported yarn, as also imported cloth for the purposes of plaiting and other processes involved in the manufacture of under shirts and vests, has been handicapped to a very large extent. And on the top of that the cotton excise duty of 3½ per cent. was put on with effect from 1923-24. This is an instance of an unjustifiable system of double taxation, and what is the result ? We find that this industry is struggling hard to keep its head above water, but it cannot hold its own against the cheap imports from Japan. The competition is not at all with the British manufacturer because that is of a much better quality and commands a much higher price.

I find that in 1921 the total value of cotton hosiery imported into India was over 73 lakhs. In 1922 it was over 71 lakhs. In 1923 it

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was over 96 lakhs ; but out of this large amount the United Kingdom contributed in 1921 only 7 lakhs ; in 1922, 2,78,000 ; in 1923, 3,64,000 ; and Japan came in for 48 lakhs in 1921 ; 56 lakhs in 1922 and 78 lakhs in 1923. So with the imposition of this duty with effect from 1923-24 Government are only making things much easier for the Japanese competition and are helping to kill this infant industry in Bengal. I should like to know what is the net amount that Government derive from this source of revenue. Now, Sir, while talking of our revenue position I find that our former colleague, Sir Jamsetjee Jejeebhoy, speaking at a Bombay meeting, observed as follows :

"We shall be told by an agonised Finance Minister that the Government can ill spare a couple of crores and that he does not possess the purse of Fortunatus or the lamp of Alladin. If Sir Basil Blackett owes certain duties as keeper of the King's purse, he as member of the Indian Government owes other duties equally insistent to the people of this country. Even allowing in full for the paramount need of rupees, annas and pies, there would be a morality about a budget minus the excise duties which would be none the less an efficient budget, as it would swell the credit side of Government's prestige and save it from moral bankruptcy."

I have no doubt that my Honourable friend cares for the moral aspect of his Budget quite as much as for the financial, and if I find my Honourable friend going into a different lobby than myself it will be because he has no option in this matter. And in this connection I may quote what Mr. Austen Chamberlain said to a Lancashire deputation :

"You are not asking that you shall be preserved from a special disability imposed on you alone of British traders competing in India. You are asking that you shall have preserved to you a special position of privilege which has not been accorded to any other British trade. If to-morrow I gave the order that a countervailing duty be imposed, not only no Indian in the Legislative Council would vote for such measure, or abstain from voting against it, but no British official would vote for that measure, except as the result of instructions, because it was his duty and he was left no choice."

If I find Government seriously contesting this Resolution I will conclude that they have no choice in the matter and that they have their instructions from abroad.

The Honourable Sir Charles Innes (Commerce Member) : Sir, for the second time this session it is my pleasant duty to congratulate the House on a change of heart—I believe that is the correct technical term. A few days ago I had the pleasure of complimenting my Honourable friend opposite on his changed outlook towards the late Legislative Assembly. To-day I have the pleasure of congratulating the House upon their changed outlook in regard to this economic question. I had always understood, Sir, that the flame of India's indignation against this cotton excise duty burnt very fiercely. Sir, in March last that flame had died very low. Now, fresh fuel has been added to the fire. I will not offer any explanation of the reasons. It may be the propaganda which has been carried on by the Bombay Millowners' Association or it may be another cause ; but whatever the cause I am delighted to see that this House is now prepared to settle down and consider this very important question.

Now, Sir, I do not propose to go into the past history of this thorny and vexed question. I do not think there is any reason why I should occupy your time or my own in doing this. The history of this question is stated in the fullest detail in the Indian Fiscal Commission's Report. It has been repeated by the Honourable Mover of this Resolution. It has

been repeated by Mr. Harchandrai Vishindas. Therefore, Sir, I do not think I need travel over the ground again. But there is one thing I should like to say and it is this. I say that there is no Britisher in India who does not regret that this tax was ever put on, and I say with confidence that that is the feeling of every one of us on this side of the House. Also, Sir, I should like to say that we on this side of the House recognise that there is a natural desire on the part of Indians that the Cotton Excise Duties Act should disappear from the face of the Statute-book. But, Sir, I must safeguard myself. I do not wish to be misunderstood. I regret very much that this tax was ever put on because I believe that the tax has done us great political harm ; but I am not prepared to go further and say that I believe that this tax has seriously harmed the Bombay cotton industry. Let me give the House some statistics. I am aware that the statistics are familiar to this House, but at the same time they are necessary for the purposes of my argument. Also, Sir, I sould be sorry to disappoint my Honourable friend, the member for the Indian Merchants' Chamber, who I see is at once beginning to take notice. The excise duty was put on in 1896. Between 1896 and August 1923 the number of mills in India increased from 167 to 323. The capital increased from 13½ crores to 43 crores. The looms increased from 37,000 to 145,000 and spindles from less than 4 millions to approximately 8 millions. (*Mr. Jamnadas M. Mehta* : " It might have been more.") That, Sir, is a record of which any industry may be proud. I am quite well aware, Sir, that the Bombay Millowners' Association discount those figures. They say " it is perfectly true that this industry has progressed very much," but they go on to say " had it not been for this excise duty it might have progressed still further," and they ask us to compare with the progress of the industry in India the progress of the industry in Japan and China. Well, Sir, I shall have something to say about the progress of the industry later on. In the meantime what I say is this. This tax, this 3½ per cent. tax, is so small that I do not believe that it has hampered to any appreciable or material degree the progress of the industry. It might be different of course if the House were to say that had protection been put on earlier the industry would have progressed faster. That is quite possibly an arguable point. But the answer to that is this. The statistics that I have given you are proof positive that this industry did not require protection—and I think I am justified in saying that, until a few months ago, not even the Bombay Millowners ever asked for protection—that is certainly the evidence they gave before the Fiscal Commission. Moreover, Sir, the fact is this—unaided by protection and in spite of the slight handicap of this excise duty, this cotton mill industry in India has reached its present heights. It is the stronger and the better industry for having reached those heights without any aid from us. Protection, Sir, as the Bombay Millowners' Association themselves have said is a homœopathic medicine which should be taken in very small and discriminating doses. It is a bad thing in itself. It is a thing the use of which may be justified in certain circumstances.

Now, Sir, let me come to this Resolution. The first part of it argues that we should take early steps to abolish the cotton excise duty. The second part argues that there should be an examination of the need for protecting the industry. That is one elementary fact that I wish to point out, that is, that if the first part of the Resolution is accepted, namely, an early abolition of the excise duty, the immediate effect of it will be that

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you will increase the protection now enjoyed by the cotton mill industry from 7½ per cent. to 11 per cent ; and that possibly is the reason why the Honourable Mover of this Resolution will have no difficulty in accepting the amendment moved by my Honourable friend, Mr. Neogy ; that is to say, the Bombay millowners and the other millowners in India will certainly raise no objection if this House increases the protection they now enjoy from 7½ per cent. to 11 per cent. But, Sir, that was not the intention of the Indian Fiscal Commission when they proposed that the claims of this industry to protection should be examined by the Indian Tariff Board. What they suggested was that we should wipe the slate—I believe that we owe that phrase to my Honourable friend opposite—and abolish the cotton excise duty. They recognised that that would involve a sacrifice of something like Rs. 2 crores ; and therefore they suggested that after having wiped the slate we should refer the whole matter to the Tariff Board for examination, so that the Tariff Board might decide how much protection this industry required, and they then went on to say :

"If the rate of duty thus determined is sufficient to meet the revenue necessities of the country no question of an excise duty will arise. If on the other hand the Government hold that their revenue requirements make it obligatory to levy taxation on cotton cloth in excess of this amount, it will be necessary for them to formulate proposals in accordance with the principles we have explained and to lay those proposals before the Legislature. That body will then be in a position to decide the real point at issue."

They went on to say that they had the fullest confidence in the Legislative Assembly. If we required more revenue then the protective duty would give it to us ; they led us to understand that the Legislative Assembly would make no difficulty about restoring the excise duty. Well, Sir, that was the very attractive programme drawn up by the Indian Fiscal Commission. But we all know, Sir, that the roseate hues of early dawn fade soon away. Those roseate hues faded away when the last Legislative Assembly passed out of existence. Now, Sir, the storm clouds have come over and we have got another Legislative Assembly ; we have got a new race in this Assembly which knows not Joseph—I mean of course the stalwarts of the late lamented Democratic Party. If my Honourable friend opposite will not mind my saying so, this Legislative Assembly is not exactly distinguished for meeting the proposals of the Government in a spirit of co-operation and sweet reasonableness. That programme therefore of the Indian Fiscal Commission has passed into the *ewigkeit*—or at any rate out of the realms of practical politics. But I propose to examine this claim for protection on the part of the Bombay Millowners' Association. I do so for various reasons ; and one of them is this. The Bombay Millowners' Association in a published representation to the Government of India have made a formal application to us for protection. Now, Sir, if I may say so, I have the very highest respect for the Bombay Millowners' Association. They are a body of business men who stick almost entirely to their business, and if they do venture into politics, they generally do it purely for a business end. (Laughter.) Any representation which the Commerce Department of the Government of India get from the Bombay Millowners' Association requires the most careful consideration. Consequently, Sir, at the beginning of April, when by a surprising chance I had four days to myself, I devoted those four days to as careful a study as I could make of the claim for protection by the Bombay Millowners' Association and I propose, if the House will indulge

me so far, to let them have the results of my examination. I am afraid it will mean the House following me into some rather dull figures ; but this matter is a very important one, and I hope the House will listen carefully to what I have got to say. As the House knows the present position is this. The mill industry in India has a protection of 5 per cent. in yarn and 7½ per cent. in cloth. Now, Sir, I propose to take yarn first.

I have here statistics of the amount of yarn available for consumption in India in the three years ending 1914-15 and again in the year 1923-24, and I beg the House to remember that the year 1923-24 was a bad year for the Bombay millowners at any rate because they lost two months' work owing to a strike. I have calculated the amount of yarn available for consumption in India by deducting exports from production and re-exports from imports. The results are as follows : on an average of the three years ending 1914-15 the total amount of yarn available for consumption in India was 541 million lbs. Of that amount Indian production supplied 92 per cent.—imports only 8 per cent. In 1923-24 the total amount of yarn available for consumption in India was 613 million lbs. and of that amount Indian production supplied 93 per cent. and imports only 7 per cent.

Now, Sir, however high a tariff wall you may have you will never stop imports altogether. I put it to the House that when you have got your local mill industry supplying 93 per cent of the yarn used in this country it cannot be pretended that there is any very strong case for protection. (*An Honourable Member* : "What year, will you kindly say ?") The average for the three years ending 1914-15 and the year 1923-24—those are the years that I have selected for comparison.

Mr. Kasturbhai Lalbhai : May I ask the Honourable Member whether the Bombay Millowners' Association have asked for protection in the case of yarn ? They have not.

The Honourable Sir Charles Innes : They have asked for protection of the industry. But I wish to carry this matter a little further ; it may be that taking the question broad and large there is no case for protection in the case of yarn. But I want to carry it a little further into the different counts. Between counts 1 and 20 Indian mills have matters practically all their own way. In the last few years there is one noticeable feature of the position, and that is that Japan has been sending us a certain amount of yarn of counts between 16's and 20's. This import from Japan began in 1918-19 and in 1923-24 amounted to 12 million lbs. I admit at once that we in the Commerce Department have got to watch that. As I say it is quite of recent growth, this trade in 16's and 20's, and it has now reached 12 million lbs. and we have got to watch it. But the point to notice is that in these counts, 16's and 20's, the Indian mills produced 217 million lbs. and so there again you cannot say that there is any need for protection there. As regards 21's to 30's the position is exactly the same. Indian mills produced in 1922-23 209 million pounds. Imports were only 5 million pounds. It is between 30's and 40's that the Indian production and foreign production begin to compete and of course beyond 40's most of the yarn used in India is imported yarn. But the millowners themselves, as Mr. Kasturbhai Lalbhai very properly pointed out, at any rate in their evidence before the Indian Fiscal Commission, did not ask for any protection in yarn. On the contrary they rather objected to the imposition of any import duty on yarn on the ground that it might handicap

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the hand-loom industry. It was put to them that they had to meet competition above 30's, but they definitely went on to say that that was a question for the future and that as regards present Indian mills, many of them were not organised to produce counts of yarn above 30's.

Now, Sir, let me pass on to piece-goods. I have got some statistics here which I think will interest the House. In the three years ending 1914-15, the Indian mill production in piece-goods averaged 1,173 million yards. In the same period imports averaged 2,855 million yards. In 1923-24, the Indian mill production had risen to 1,700 million yards and the import had dropped to 1,466 million yards. That is to say the Indian mill production had increased by 45 per cent., and imports had decreased by 49 per cent. Again, taking the amount of piece-goods available for the Indian market, that is to say, the Indian mill production less exports *plus* imports less re-exports, on an average of the three years I have mentioned local production supplied 28 per cent. and imports 72 per cent. In 1923-24, the position was reversed. The local production supplied 52 per cent. and imports supplied 48 per cent. Now, I should like to include in these figures hand-loom production. Here, of course, we get more or less on to estimates, but it is comparatively easy to make a fairly reliable estimate of hand-loom production, if we proceed upon the assumption that one pound of yarn is equivalent to 4 yards of cloth—that is the basis adopted by Mr. Couborough. Now, we know the total amount of yarn available for consumption in India. If we convert that to cloth at one pound of yarn to four yards of cloth, and deduct from the total the known production of the mills, the balance represents hand-loom production. Now, taking the periods that I have been using, in the three years ending 1914-15, the total amount of cloth available for consumption in India was 4,917 million yards. The hand-loom production was 20 per cent. of that ; Indian mills provided 22 per cent., and imports contributed 57 per cent. In 1923-24, the total amount available for consumption in India dropped to 3,711 million yards, and this is a very significant fact to which I shall have to refer. Hand-loom production contributed 20 per cent., Indian mills 41 per cent. and imports 38 per cent.

That is to say, local production—mills *plus* hand-looms contributed about 62 per cent. of the total amount of cloth available for consumption in India. Now, I would like to summarise these facts.

As regards yarn, the Indian mills supply 93 per cent. of the yarn consumed in India, Japan is sending a relatively small amount of the coarser counts and these imports require watching ; but it is absurd to say that any general measure of protection is required. The imports come mainly from the United Kingdom and are of the finer counts. The mill-owners themselves pointed this out in their evidence before the Fiscal Commission and, so far from asking for any protection, rather objected to the imposition of a duty on yarn.

As regards cloth, the Indian mill production has increased by 45 per cent. since 1914-15, imports have decreased by 49 per cent., and Indian production now accounts for 62 per cent. of the total consumption.

As between Indian mills and imports, the proportion is now 52 per cent. for the former and 48 per cent. for the latter. But here, again,—and this is a point I wish to bring out—the position is very much the same as in respect of yarn. The imports come mainly from the United

Kingdom and these imports are of the finer qualities of cloth, in which the Indian mills do not ordinarily compete. This fact has been admitted several times ; it was admitted by Sir Vithaldas Thackersey in this House, and in his evidence before the Fiscal Commission, and it was admitted by the millowners themselves in that evidence. They said in their memorandum presented to the Indian Fiscal Commission :

"From the preceding paragraphs it will be observed that India's chief competitors, both in the home market and elsewhere, are Japan and the United States of America."

The fact of the matter is that, as between Lancashire and Indian mills, the field of competition is very small. Each has its own sphere. The spheres overlap to a small extent, but the field in which they compete is small. The main competition—and I think I am correct in saying that it is the competition that the mill industry in India fears most—is competition from Japan. The United States of America have practically dropped out and the only serious competition which we get in piece-goods, in the class of goods which the Indian mills ordinarily make, comes from Japan. Now, in 1923-24, the Indian mills supplied for consumption in India 1,535 million yards of cloth. Japan sent 121 million yards. Thus, as between Indian mills and Japan, the former supplied 93 per cent. of the consumption in India and Japan less than 7 per cent. That is why I say the position in regard to piece-goods is practically the same as in regard to yarn. In those classes of goods which the Indian mills produce, they have practically captured the whole of the Indian market. And it is only in those classes of goods that the mill industry in India has what is known in economic language as a comparative advantage. Therefore, Sir, it is difficult to say that even a *prima facie* case has been made out for protection for the mill industry in India. I have admitted that the matter requires watching in certain aspects and you may depend upon it that we shall watch it very very carefully. And I wish to safeguard myself in regard to one point. I reserve judgment as regards "hosiery". Mr. Neogy devoted a lot of time to hosiery and I should like to tell him that we have that portion of the case under examination at the present moment. There is another point I have got to make. The House must understand that whether they accept Mr. Neogy's motion or whether they do not, I reserve the right in the event of this cotton excise being taken off or even earlier if necessary, to ask the Tariff Board to examine the whole of this case. Because you have got to remember this. The proper thing to do is not merely to take off the cotton excise duty but also to reduce the import duty. That is the only way in which you can bring any benefit to the consumer in India. And therefore that is a case which may require examination by the Tariff Board, whether in the event of the cotton excise duty being taken off, the import duty should be reduced, and whether, in any branches of the cotton trade, hosiery, particular counts, and so on, the industry requires protection. I may say that when the millowners gave their evidence before the Fiscal Commission, the only things for which they asked for protection were hosiery, cotton blankets, and calico printing. And they said that, as regards the last two—cotton blankets and calico printing—their request was a contingent one—contingent on the progress of the trade. Now, Sir, let me come to the cotton excise duty. In the public representation made the Bombay millowners say that Lord Hardinge publicly pledged himself to the necessity of the abolition of the cotton duties at the earliest possible date. That, Sir, is not a correct quotation. The matter is so important that I have brought an extract from the speech of Lord Hardinge in order

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to let the House know exactly what the assurance was. The exact words are :

"The excise duty should for the present remain at its actual figure and an assurance given that it would be abolished as soon as financial considerations permit."

There is some difference between "at the earliest possible date" and "as soon as financial considerations permit". Now, Sir, the Government of India are always being accused of finding some argument to justify the retention of the duty. The suspicion is always voiced that we are retaining this duty in the interests of Lancashire. I hope I have exploded that latter feeling by the figures I have just given. I have pointed out that there is practically very litle competition between Lancashire and India either in the matter of yarn or in the matter of cloth. Mr. Kasturbhai Lalbhai said that official memory in the redemption of pledges is apt to be short. Mr. Harchandrai Vishindas said that the Government of India apparently regarded promises as—(*A Voice* : "Scraps of paper.")—pie crusts made only to be broken. Well, Sir, I deny these statements absolutely. The fiscal history of the last few years shows how absolutely untrue these charges are. In the first place, the import duty was raised to 7½ per cent. in 1917 and to 11 per cent. in 1921 while the excise duty remained at 3½ per cent. That does not look as if we favour Lancashire, does it ? Again, the House knows perfectly well that the period that has elapsed since Lord Hardinge gave that pledge has been almost uniformly a period of deficit budgets. Sir Basil Blackett, speaking in this House in his first budget speech in 1923, pointed out that for five successive years the Indian Budget had been in deficit, and that the accumulated total of these deficits was no less than 100 crores. Now, Sir, that period of deficit budgets in the Government of India coincided with a period of absolutely phenomenal prosperity for the mill industry in India. I have got the figures here.

Mr. Kasturbhai Lalbhai : What about Sir Malcolm Hailey's statement in 1922 ?

The Honourable Sir Charles Innes : I will come to that later. Between 1905 and 1914 (this is Mr. J. A. Wadia's statement) both years inclusive, the mill industry paid an average dividend of 10½ per cent. on an average capital of 6½ crores. In 1915 to 1922 both years inclusive they paid an average dividend of 53 per cent. on an average capital of 12½ crores, and they paid away in the 8 years ending 1922 a sum of over 50 crores in dividends.

Mr. Kasturbhai Lalbhai : May I know what the jute mills paid out in Calcutta ?

The Honourable Sir Charles Innes : That has nothing to do with the question of cotton mills, Sir.

Thus, Sir, on the one hand, there were large deficits in the Government of India and on the other hand you have the mill industry undergoing a period of absolutely phenomenal prosperity. Would it have been reasonable for the Government of India to say in those circumstances : "Now the time has come to fulfil Lord Hardinge's pledge. Our financial circumstances now admit of our taking off this tax" ? If we had ventured to put that ridiculous proposal to the Indian Legislative Assembly, would the Legislative Assembly have considered it for a moment ? Of course

they would not ; and what is more, they did not. In 1922 the whole question of cotton excise duty was open for discussion in this House. My Honourable friends opposite might have proposed that that cotton duty should be taken off, and had they carried that proposal, we would have been in great difficulties. But we could not stop them carrying that proposal. Sir, what happened ? Not a single non-official Member of this House ever suggested that that cotton duty should be taken off in spite of the fact that it was open to them to do so. Mr. Harchandrai Vishindas has been talking about our pledges being pie crusts, but he never thought of doing so. Sir Vithaldas Thackersey never thought of doing so ; Mr. Manmohandas Ramji never thought of doing so, and I claim, Sir, that in not taking off this duty up to this date, we have behind us the full support of the Indian Legislative Assembly.

Sir Purshotamdas Thakurdas : That is rather a good turn to it !

The Honourable Sir Charles Innes : There has been reference to a pledge, Sir. I know the Indian politician dearly loves to hasten a pledge upon the Government of India. The other day, Sir, I had a very good example of this. I said that we required certain powers in reserve but that we had no intention of making use of them at present. An Honourable Member opposite, Sir, missed out all about the necessity of keeping those powers in reserve but read out what I said about having no present intention of using those powers and then said that the Government of India had pledged themselves that they would not use those powers. And when I said that I had not given any such pledge, he said that my promises were not worth much.

Mr. Jamnadas M. Mehta : That is not what I said.

The Honourable Sir Charles Innes : Well, Sir, this pledge of Lord Hardinge of course stands on an entirely different footing. It was a definite assurance. He said that when financial circumstances permitted this duty would be taken off, and naturally the Government of India must honour a pledge of that kind. But I beg the House to observe that since that pledge was made, circumstances have changed in two material respects. The first respect is that it is no longer within the power of the Executive Government to take off a duty. It requires the assent of this House and also of the Council of State. Secondly, since Lord Hardinge spoke, another question has come into prominence, namely, the question of provincial contributions, and I believe, Sir, that my Honourable Colleague on my right has said more than once that the finances of the Government of India will be ordered towards the reduction of these provincial contributions. Thus, when the day of a permanent disposable surplus arises, what will happen is this, the Government of India and this Legislature will have to decide between whether this disposable surplus should be devoted to the abolition of the cotton excise or to the reduction of provincial contributions.

Sir Purshotamdas Thakurdas : Not to reduction of import duties on piece-goods !!!

The Honourable Sir Charles Innes : I do not propose to attempt to-day to decide that issue. I am getting too old a hand in this Assembly—(Laughter)—to commit myself or the Government to anything until the need arises. Otherwise, Sir, my Honourable friend Mr. Jamnadas Mehta will read out what I have said and read into it what I did not say. So, I propose to be very careful. I am not going to prophesy. I am not going

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to say when my Honourable Colleague on my right will have this permanent disposable surplus, and therefore, Sir, I propose merely to balance the considerations which this House will have to weigh when the issue comes to be decided.

Diwan Bahadur T. Rangachariar : Not now ?

The Honourable Sir Charles Innes : I first put the case of the mill-owners as I see it. As I said just now, the Millowners' Association and the cotton mills generally have a strict eye to business. This is a very important matter to them because it means money, it means 1½ crores of rupees into the bargain. (*A Voice* : "Into their own pockets ?") Yes, into their pocket and the pocket of their shareholders, and being business men they put in the forefront of their case their strongest argument, in fact, I was nearly going to say, their only strong argument. That is to say, they make this appeal to political sentiment and political feeling. I do not wish for a moment to depreciate in any way the strength of political sentiment or the importance which should be attached to it in a matter of this kind. But I do wish to point out that to some extent at any rate this grievance, which I admit to be a real grievance, has lost some of its force in recent years. When there was a 3½ per cent. duty on imports and an equivalent excise duty undoubtedly the mill industry in India had a very real grievance. When it was a 5 per cent. import duty and 3½ per cent. excise duty, undoubtedly they had a grievance, but that material grievance has been diminishing and now the House has got to remember that there is a gap of 7½ per cent. between the excise duty and the import duty, and I think that even the millowners themselves will admit that they do not want more protection than 7½ per cent. I notice, Sir, that the millowners and their representatives in this House are apt to concentrate mainly on that ground just like Mr. Harchandrai Vishindas who devoted a great portion of his speech to the history of this question. I notice that these gentlemen are apt to shy off the economic grounds because they realise that they are on weak ground really. (*Mr. Kasturbhai Lalbhai* : "Not a bit.") Mr. Kasturbhai referred to a statement made by Sir Malcolm Hailey in this House. When we read that speech we find that that begins in the following way. He pointed out that the days are past when members of Government come down to the House and read out a carefully prepared and reasoned statement and that he was going to make some impromptu observations. Sir Malcolm Hailey was arguing in favour of a 4 per cent. increase in the excise duty and he did make that statement. But, Sir, I think my Honourable friend opposite has forgotten that since Sir Malcolm Hailey made those statements we have had a really authoritative exposition of the whole subject in the Fiscal Commission's Report. Theoretically the excise duty is sound enough. I would refer Honourable Members to paragraph 145 of the Report, page 84. What you have got to remember is this :

> "In India, although about two-thirds of the cotton cloth consumed is locally produced, the imports are the main factor determining prices. This fact has been clearly brought out by Mr. A. C. Couborough in the tables and graphs appended to his Notes on the Indian Piece-Goods Trade. In the case of this commodity, therefore, the excise duty falls on the producer who is, however, able to meet it from the enhanced price that he obtains for his goods owing to the duty on imported cloth."

If the House will apply the financial canon quoted in paragraph 145 of the report, that is, the canon laid down by Adam Smith that "every tax

ought to be so contrived as to take out and keep out of the pockets of the people as little as possible over and above what it brings into the public treasury of the State," you will find that there is a very strong theoretical justification for the tax and it is this. If you take off this tax to-morrow you will not reduce the price of piece-goods by one anna. The price of piece-goods will still continue to be determined by the import price, and the only result will be that the cotton excise duty will still be paid by the consumer in India but it will be paid to the millowners and the shareholders and will not be paid to my Honourable friend, Sir Basil Blackett. That is the difficulty that the House is going to be in when it comes to decide this question.

Mr. Kasturbhai Lalbhai : Will you kindly give the table prepared by Mr. Couborough showing what is the difference between the price of imported piece-goods and the price of piece-goods produced by the Indian mills ?

The Honourable Sir Charles Innes : I think that the Honourable Member has a right of reply later. I am aware that the Indian millowners and their friends in this House make statements that if the excise duty is taken off they will be able to reduce the price to the consumer. For instance, at this public meeting to which Mr. Harchandrai Vishindas referred, Sir Jamsetjee Jejeebhoy stated :

> " Had there been no Excise, the Indian millowner would not have been put to the necessity of tacking this item on to his cost sheet and recovering it from the consumer, and in times of depression and high prices he would have been able to cheapen his cost by 3½ per cent. to the benefit of his poor client."

Well, Sir, I have had a lot to do with business men in my life, and I may say that I have received the greatest assistance from the business men in India, both Indian and European. Throughout my time as Commerce Member they have been my guides, philosophers and friends. At the same time I must say that when you are discussing with a business man a matter of business in which there is money going, well, I have learnt by experience to look after myself very closely indeed, and when, Sir, the Indian millowners and Mr. Kasturbhai tell me that if this duty were taken off, the millowners would promptly in a fit of generosity and justice reduce the price to the consumer, I take leave to disbelieve them. Statements of that kind must be received with a very strong pinch of salt. Let me prove that fact. I have devoted a great deal of time to this matter. I fear I have exhausted my time and I am afraid I cannot go into it in great detail but, Sir, in 1913-14 there were very heavy imports of cloth into India and when we began the war we had very heavy stocks in this country. The price of cotton was low, the price of cloth was low and it remained low till 1915-16. In 1916-17 the imports began to fall off, the price of cotton began to rise, the price of cloth began to rise faster. As time went on, the millowners got the position more and more under control. The imports fell more and more away. The price of cotton rose fast, the price of cloth rose very much faster still. The high water mark of mill prosperity was reached in 1920-21 and 1921-22. The imports were still small and the price of raw cotton averaged between 388 and 411 per candy, only a little over 30 per cent. above the price of raw cotton in 1913-14. But, Sir, the price of longcloth in 1913-14 was 10 annas and 3 pies a lb., and of *chaddars* ten annas per yard. In 1921-22 the price of longcloth was Rs. 1-13-4, or nearly three times the price of it in 1913-14. (*Mr. Kasturbhai Lalbhai* : " What was the price of cotton ?") It was 30 per cent. above the price in 1913-14, and the

[Sir Charles Innes.]

price of cloth was three times, and that gives you some measure (*Mr. Kasturbhai Lalbhai* : "I challenge that statement") of the profits made by the mill industry in those years. Now, Sir, I brought out these figures so that the House may be under no misapprehensions about the statement of Mr. Kasturbhai Lalbhai and of the millowners generally that if you take off this cotton excise duty the price of cloth will go down. It will not, because it is not business and it would not be right that it should. I have no sentiment in this matter at all. The millowners are perfectly entitled to sell their cloth at the market price and their shareholders would call them to account if they did not. You cannot introduce sentiment into business. That does not alter the fact that if you take off this cotton excise duty and do not reduce the import duty, the excise duty will be paid all the same, but it will be paid to the millowners and not to the Government. I will not touch on this point any further. The other question which will have to be considered, is whether or not this House is going to bring about a reduction in the provincial contributions. We have been told recently in committees and elsewhere that diarchy is dead. I express no opinion on that point at all. But, Sir, if diarchy is dead, I hold myself that one reason why it is dead is that the Ministers had never had a fair chance. And why did they not have it ? Because they have never had any money to burn. It will be for the House to decide whether they should utilise the permanently disposable surplus whenever it occurs in reducing these provincial contributions in order that Ministers in the provinces may have money to spend on education, sanitation and the like or whether we should utilise this surplus in removing what I know is a grievance on which this House and India generally feels strongly, namely, the removal of these cotton excise duties. That, Sir, is the issue which will have to be decided when Sir Basil Blackett is able to say that he has this permanently disposable surplus.

Diwan Bahadur T. Rangachariar : I am unwilling to interrupt my Honourable friend. Is that the only alternative ? Can you not put a super-tax on the profits of companies ?

Mr. President : The Honourable Member has invited the Honourable the Commerce Member to trench on ground which is out of order.

The Honourable Sir Charles Innes : I have tried to state my case as fairly as I can and I have also refrained definitely from offering any opinion one way or the other, but I regret very much that I cannot accept this Resolution in its present form, because it goes beyond the pledge we gave. The pledge was that this duty will be taken off as soon as financial circumstances permit and I do not think it is right for this House to say that we should take it off now. The question is one that will have to be decided when financial considerations permit

Sir Purshotamdas Thakurdas (Indian Merchants Chamber, Indian Commerce) : Sir, the House may have anticipated I rise to support cordially the Resolution that is before the House and also the amendment moved by Mr. Neogy. The Honourable the Commerce Member for once at any rate has spoken with approval of some Bombay merchants who attend to their business and do not mix themselves up in politics except when politics affects their business. May I, Sir, point out to the Honourable the Commerce Member, or rather remind him of those good old days

when the Bombay business men did not at all take part in politics and may I ask him to bring to his mind the result of that ? The result has been that commerce in British India is so much mixed up with politics and with such steps as the Government of India do take, not because the steps are good either for the commerce or industry of this country but because they are good for commerce and industry somewhere else. That opened the mind and the eyes of the Indian commercial community to the great necessity of men in commerce and industry taking part in politics and taking part in legislative assemblies like this. Sir, no better example of that can be cited than the one that is before the House. It is well known and it is admitted that as far as the Union Jack is concerned, it has always followed British commerce and British trade. In fact the East India Company which laid the foundations of British supremacy in India started in India, Sir, on commerce and on industry. But perhaps still better example as to why Indians in commerce and industry should take part in politics is given in a note by an *ex*-Colleague of my Honourable friend over there, the Honourable Mr. W. Stokes, who, writing in a minute on 13th March 1879, said as under :

"The proposed exemption of cotton if made by a mere executive order will resemble what lawyers call a fraud on the power ; and there is, unfortunately, no Court of Equity to relieve the people of India against it."

It is, Sir, this Court of Equity, the want of which men in business in India have felt acutely, that has made me take cognizance of all the political factors which may underlie any proposition. And I do not think that it is any humiliation or shame to admit that whilst I think commercially and whilst I devote myself to commerce and industry, I feel that I should be failing in my duty to my country if I did not take cognizance of the political factors which go side by side with commerce and industry and which must either develop it or tend to put it down. (Hear, hear.) I appeal to this House to-day as the Court of Equity which Mr. W. Stokes said in 1879 was absent for India: I plead before this House not in the interests of rupees, annas and pies; I plead before this House in the interests of justice for India and in the interests of the fair name of India and, if I may add with the permission of my friends opposite, in the interests of the dignity of the Government of India. It will be a long time still before we can call this Government the Indian Government. It still is the Government of India. But I am sure His Excellency Lord Reading and my friends opposite still retain their sense of self-respect and that they will not hesitate to say the excise duty must go first and we will side by side with our House look after the financial part as regards a substitute if required for financial purposes. I repeat what I said before the Fiscal Commission, clean the slate: take off the existing duty which was put on at the dictation of Lancashire, the most selfish and wicked step ever taken by any Government, even by the British Government. That must disappear from Indian financial statements, and then we will talk as to how to replace it. I expected that the Honourable the Commerce Member would have said that the Government of India are quite prepared to agree that this should go; and then the House might have said "All right, if the Honourable the Finance Member wants a substitute for it, we will consider it in a committee". (*A Voice* : "Now the question should be put.) (Laughter.)

Sir, the Honourable the Commerce Member referred all the time to the millowners of Bombay and the cotton mills of Bombay. I am sure he could not have meant it, but I think I would like to complete the full

[Sir Purshotamdas Thakurdas.]

names of the interests involved in this. It is the cotton spinning and weaving industry of India which includes not only Bombay mills but also those of Cawnpore, where I have not heard that a single Indian owns a cotton mill. It includes cotton mills in Madras and cotton mills in Calcutta. I think a good deal of prejudice which should have been avoided is being created by referring to the Bombay millowner who is alleged to be greedy and all the rest of it. I do not think there is any idea of giving this relief only to mills in Bombay and Ahmedabad from which latter place my Honourable friend on my left hails. It is, therefore, only fair to say that the whole question refers to cotton mills all over India, a very respectable part of which is to-day owned by Britishers also. But unfortunately Bombay many a time has got to do the spade work, and I assure the Honourable the Commerce Member that whether the millowner in Cawnpore and Madras joins the millowner in Bombay or not, the millowner in Bombay is determined upon not giving any rest to the Government of India until this obnoxious duty is off the Statute-book.

Sir, there is a very dismal and a very sad history behind this cotton excise duty, which I am very glad the Honourable the Commerce Member has made it unnecessary for me to dwell upon, by saying that every Britisher in India now recognises that the duty was bad and unjustly levied. I only wish he had said that every Britisher in India is anxious that this duty should be removed as early as possible. To that extent I call the remarks of my Honourable the Commerce Member very disappointing even at this very late hour, Sir. The Honourable the Commerce Member referred to protection for the cotton industry. Where does the question of protection come in ? How can the Honourable the Commerce Member talk of protection to the cotton industry when that industry is still groaning under the very obnoxious burden placed by this duty, which is unjust and inequitable, wicked, and all the rest of the adjectives that you can apply to it. We want no protection yet. We first want relief from this duty which was put on us not because the Government of India approved of it, but against the Government of India at the dictation of somebody else. I do not think the cotton mill industry want any protection until they are given what is their due and just relief. Sir, the Commerce Member also quoted figures, telling the House that they were very dry and difficult to be followed and still trying to make out a case that since the war broke out, the product of Indian mills has gone up and that imports have been reduced. I really wonder what is the inference that the Honourable the Commerce Member wants to be drawn from that statement. Do I understand him to say or imply that those figures show that the Indian cotton industry is in an ideal position ? Surely if we have multiplied our mills, our spindles, and our looms from what they were before 1914, is that a thing which the Government of India look up to with any jealousy or with any disapproval ? How much leeway has to be made up before India can supply all the demand in India for piece-goods, and if there is that leeway to be made up, is the Honourable the Commerce Member justified in complaining that despite this handicap of the excise duty, and despite the Government of India giving no encouragement to the Indian industry that the men engaged in the cotton industry have stood on their own and have built up the trade as they have ? But, Sir, their progress does not remove their claim before this House to insist

upon what is due to them, for freedom from a tax which was wicked in its inception and which is wicked in its continuation.

Now, Sir, we have again got in this matter another of those tactics —and I use the word without meaning anything objectionable about it— that we have seen used by the Government benches when such questions come up. The Honourable Member wound up, or very nearly wound up, his case by saying that when the Honourable the Finance Member is able to spare the money, he will put the subject before the House to decide whether they want the excise duty off or provincial contributions off. What connection, Sir, is there between the two ? And may I ask if the House is prepared even to tolerate the idea of touching this tainted money of cotton excise duty ? (Laughter.) It is tainted money—tainted without the least doubt—in spite of the Honourable the Commerce Member laughing it out, money which comes from the dishonour of the people of India and the dishonour of the Government of India, money which comes in spite of the Government of India saying to the Secretary of State " We will not have this money ". Look at the speeches which are printed very profusely in this book. There is not the least doubt about it, and I am really surprised at any Member on the opposite bench saying that he would recommend to the House to barter between what is the just due of Madras, the Punjab and Calcutta and this wicked duty the immediate removal of which is the just due of the whole nation, of the people of India as a whole irrespective of provinces or irrespective of any other differentiation. But, Sir, is it not also this that this House should insist on the provincial contributions and remissions which can be done owing to the retrenchments which have been made and which should continue to be made ? The other question stands quite apart. Here, I come, Sir, to another very dismal aspect of the financial part of the British Government in India. Sir, the liquor excise was put on in order to check consumption of liquor. The cotton excise is put on owing to dictation from Lancashire. Naturally, these duties go on increasing as population increases and as other factors contribute towards them. When Mahatma Gandhi says—and there has been agitation for it for years now—that consumption of liquor should be put down, we are asked to replace the revenue from it. We want to assert the claims of the people now that we have got this Assembly which is responsible to the tax-payer. I would like to point out to my friends opposite with regard to the financial part of the question that it is no use the Honourable the Commerce Member trying to set off Madras and Bengal against what he thinks is the interest of Bombay alone. But I may assure him that it is not Bombay alone. It is the whole of India. Does he expect us to fight for the removal of the excise duty amongst ourselves ? Let me warn the Honourable the Commerce Member that we will not fight in that matter. I am sure Honourable Members on both sides of the House, both from Bengal, Bombay and the Punjab will say with one voice that this obnoxious duty must go first. And, then, if the Honourable the Finance Member says that he still wants money, I assure him that we will sit down and consider what methods can be devised in order to get the money. But we shall not retain this duty for the miserable rupees, annas and pies, which it brings into the Indian treasury and which, I repeat, is tainted money.

Pandit Shamlal Nehru (Meerut Division : Non-Muhammadan Rural) : May I suggest, Sir, whether extra money can be had by increasing the duty on imported cloth ?

Sir Purshotamdas Thakurdas : Sir, the Honourable Mr. Neogy thought that the Government would not think of their prestige and would look at this question from the only aspect that the people of India can look at it, namely, the aspect of the national honour and, I repeat, the honour of the Government of India. But the speech delivered by the Honourable Member opposite, who presides so ably over the portfolio of Commerce and Industry, does not give one much hope that the Honourable Member himself proposes to look at it from that very correct and the only reasonable point of view which the people of India demand. I am afraid, Sir, the insistence on prestige may be asserted the wrong way. The fine sentiment of prestige may be worked in a wrong way if Government think that they imposed this duty on India in spite of their shrieks and in spite of the agitation in 1896 and they now propose to keep it there in spite of anything that may be urged, and that on one excuse or another against its removal. Sir, if this House claims to be the representative of the tax-payer and claims to be the protector of what is just and due to India, I submit that it can give only one verdict which will be that this duty must go first, that the duty cannot be considered on any other consideration and that those other considerations which any Honourable Member opposite may have to urge will be considered on their own merits when that duty is off our Statute-book.

I wish, Sir, to add one word regarding what my Honourable friend opposite thought fit to charge my Honourable friend representing the Ahmedabad Millowners here in connection with the greed of the cotton millowners. I wish to put to the Honourable the Commerce Member a very straight and direct question. Will the Honourable Member, when he gets up to reply, tell this House quite frankly how many merchants and how many industrialists during the war period have been found to be profiteering as badly, or at least equally, as the cotton millowners ? The cotton millowners are not angels and they have never claimed to be angels. They are as human as anybody else. And, if anybody has taken them to be angels, he must be a very great simpleton.

The question is, will the Honourable the Commerce Member tell the House how many profiteers there are engaged in industries in India ? I would remind him of one that I wrote to the papers about. Will he tell us how badly the jute millowners of Calcutta profiteered during the war period ? The jute millowners bought their raw jute at 45 per cent. of the index number of the pre-war index, and sold their manufactures at a profit of over 200 per cent. (the figures are rough as I speak from memory). There could not have been a worse case of profiteering. Did the Government of India do anything to bring this under control ?

Mr. President : Order, order. I cannot allow this debate to be made a competition between profiteers.

Sir Purshotamdas Thakurdas : I would not have referred to it at all, if the Honourable the Commerce Member had not referred to it himself. I would remind the Honourable the Commerce Member that if cotton industrialists did profiteer in India during the last war, there were many others who profiteered more. It is hardly fair to prejudice one particular class and not to mention others.

Mr. A. H. Lloyd : What about the export duty on jute goods ?

Sir Purshotamdas Thakurdas : The Honourable the President has closed this discussion, otherwise I would have given you a reply, Mr. Lloyd.

I do not think this House, claiming as it does to represent the tax-payer, can afford to look at this question, in spite of any appeal which my Honourable friend opposite has chosen to make to this House, in any channel other than that of a great political wrong done to India. I still think it is not too late for the Honourable Member opposite to declare, on behalf of the Government of India, that the Government are prepared to take this obnoxious duty off. They may claim that they are acting under orders, and I will not quarrel with them for that, but I expect them forthwith to declare to this House that they agree that the excise duty must go. Then if they feel that they would want the money to be replaced, let them say so to this House. I for one am quite prepared to consider various alternatives that exist, a few of which I will detail and close my speech.

If you are so fond of an excise duty, you can have excise but on the decision of this House ; and then too not only on cotton but on silk, wool, leather, or any other articles you like ; but that excise can only be at the dictation and command of this House, and not at the dictation of Lancashire. You can have an increased duty on profits of industrial concerns if you choose to put further burdens on them. Last year the Bombay mills lost rupees one crore and seventeen lakhs and paid one crore as excise duty. Does he not think that at any rate is a burden from which the industry which is in his charge should be free ? I appeal to this House in the name of the national honour of India to pass this Resolution unanimously.

ELECTORAL ROLLS OF THE COUNCIL OF STATE.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Will the Government be pleased to state : (*a*) whether the Government's attention has been drawn to the interpellation in the meeting of the 11th September 1924 of the United Provinces Legislative Council regarding the amendment of Council of State Electoral Rules ?

(*b*) When and on what date the reference from the United Provinces Government was received by the Government of India ?

(*c*) Whether it has been disposed of by the Government of India ? If not, why not ?

(*d*) Whether it will be possible for the Government of India to dispose of the reference in question from the United Provinces Government before the end of this month or sometimes before the Council of State electoral rolls now published for objections in the United Provinces are finally printed ?

(*e*) Whether the Government are aware that the subject in question affects the legal rights of members of four universities of the United Provinces ?

The Honourable Sir Alexander Muddiman (Home Member) : The answer to (*a*) is in the affirmative. Government have seen a newspaper report of the interpellation in the United Provinces Legislative Council referred to by the Honourable Member.

[Sir Alexander Muddiman.]

(*b*) The reference from the Government of the United Provinces was received by the Government of India on the 28th January, 1924.

(*c*), (*d*) and (*e*). Although the letter from the United Provinces Government was received in January last, the Government of India postponed its consideration pending receipt of similar references from other Local Governments in regard to defects in the various electoral rules. As, however, the Honourable Member appears to attach particular importance to the question we will examine it now separately from the other questions which have been raised and will endeavour to arrive at a decision at an early date. We have not, however, regarded the question as one of urgency as it is possible under rule 9 (6) of the Council of State electoral rules to amend the Council of State electoral rolls now being prepared any time before the next election to the Council of State.

The Assembly then adjourned for Lunch till Twenty Minutes Past Two of the Clock.

The Assembly re-assembled after Lunch at Twenty Minutes Past Two of the Clock, Mr. President in the Chair.

RESOLUTION *RE* ABOLITION OF THE COTTON EXCISE DUTY—*concld.*

Diwan Bahadur Ramachandra Rao (Godavari *cum* Kistna : Non-Muhammadan Rural) : Sir, the Honourable Sir Charles Innes made a very comprehensive speech reviewing the history of the subject from 1896 and set out various conclusions based upon statistics of imports from and exports to this country, and the manufacture of cotton goods in the mills of this country. With his main conclusions, Sir, I have no quarrel. The Honourable Sir Charles Innes said that my Honourable friend, Sir Purshotamdas Thakurdas entered politics strictly with a view to business. Sir, so far as I am concerned, I represent a constituency of agriculturists who are interested in seeing that their wants are supplied with as little cost to them as possible. Therefore from that standpoint I am convinced that a remission of this duty will not necessarily be followed by a reduction in the prices of cloth, and therefore to that extent I am in agreement with the conclusion of my Honourable friend, Sir Charles Innes that, unless the present duty on imported cloth is reduced, the prices of cloth in this country will not be brought down. Sir, after expressing my agreement with that conclusion, I am still of opinion that the political aspect of this question, to which reference was made both by the Honourable Sir Charles Innes and Sir Purshotamdas Thakurdas, cannot be ignored. It is a question as to whether the financial arrangements of this country should be dictated to suit the requirements of Lancashire. Whatever may be the force of the argument of my Honourable friend, Sir Charles Innes, namely, that the evil effects of this duty have to some extent been minimised by the differentiation in the rates of duty on imported goods and of the excise duty on cotton manufactures, we are still of opinion, Sir, that this duty has been put on at the dictation of Lancashire, and for that reason it is our unanimous desire that this duty should disappear as early as possible, as stated in this Resolution. Sir, reference has been made to possible alternatives, should there be a surplus at the end of this year ; and Sir Charles Innes expressed the opinion that the Ministers had not been given a fair chance and that the question of provincial contributions will have to be borne in mind in a consideration of this problem. Sir

Charles Innes apparently wants to place us on the horns of a dilemma in case there should be a surplus ; he has actually asked us, "Assuming there is a surplus would you have the scheme of provincial contributions given effect to or would you like to have this excise duty remitted ?" I do not propose to answer that question at present. I am perfectly certain, Sir, that if my Honourable friend will place before us those proposals which may eventuate in the alternatives which he has suggested, he may rest assured that this House will give its best consideration to this question in the spirit of co-operation which my Honourable friend so ardently desires. He made a reference to the late lamented Democratic Party and expressed his belief that he did not see in the present Assembly that spirit of co-operation which he got in the last Assembly. Sir, I will at once say that I plead guilty to that charge. I have no hesitation in saying that if co-operation means wholesale acceptance of proposals placed by the Government before this House, without any consideration and solely with a view to facilitate the schemes of Government without any thought as to the wishes, aspirations and sentiments of the people, my Honourable friend may rest assured that he will not have that co-operation. But I would ask my Honourable friend at the same time whether he has any ground for complaint, seeing that at least in two important matters, namely, the Steel (Protection) Bill and the separation of Railway Finance, we have shown very considerable co-operation with the Government. I think therefore nothing will be gained by constantly telling us that we are not co-operating with the Government. I trust that if co-operation means that active association of both parts of this House in evolving any scheme, either of finance or legislation or administration, he may rest assured—I say with great diffidence also of my Swarajist friends—that we also shall not at all hesitate to co-operate with the Government.

Having said so much on this..... (*Mr. V. J. Patel* : "Speak for yourself.") My Honourable friend says that I should speak for myself. I never spoke for him or his party. But I venture to think that I see now and then proposals emanating even from my friend, Mr. Patel, constructive proposals for the modification of legislation and also on other matters which show that they desire to do their work in this Assembly in the same spirit in which I am doing mine. I do not wish to develop any quarrel with my Honourable friends on this side. I wish to state that we are not anxious, Members on this side are not anxious, to put money into the pockets of the millowners of Bombay, Cawnpore or Calcutta (*An Honourable Member* : "Or of Madras.") Or of Madras, certainly. My Honourable friends also recognise that there are very few mills in Madras and very little of the profits will get into our hands, at any rate. If after abolishing the cotton excise duty it becomes necessary to formulate proposals involving financial burdens, we are perfectly willing to look at those proposals of the Honourable the Finance Member. So far as I am concerned, I am willing, speaking for myself, to examine his proposals. The only way in which he could make up the revenue would be by some kind of additional burden on all those who are making profits in industrial concerns. I do not wish to go further than that. We are not anxious to line the pockets of millowners and, if Government can bring forward proposals which, while unconditionally accepting the abolition of cotton excise duty, would if necessary make up the revenue thus lost by further taxing the profits of all industrial concerns, we may be willing to look at them.

The Honourable Sir Basil Blackett (Finance Member) : Sir, I have been invited so often to-day to make proposals for increase of taxation that I really hardly know where I am. I remember only two days ago the very thought that a Committee to inquire into our existing taxation might possibly make proposals for new taxation so frightened this House that they proceeded to vote that the Committee be dissolved. It is true that they went on to say that another one with much the same terms be established in its place, but they voted that it be dissolved for fear that it might suggest increased taxation. Now, from all quarters of the House I am being asked to invent new taxation to take the place of the cotton excise duty. (*An Honourable Member* : "Effect more retrenchment.") I will come later to your retrenchment. Now, the cotton excise duty is a tax for the history of which I have not a word to say. It was, I think, a tax bad in its origins, bad in its incidence when first imposed, and, when the Taxation Committee comes to inquire into it now, I think it will very likely say that it is a tax which even now is not altogether desirable in its operation. It is true that it is less undesirable now than it originally was because it has now no true protective effect as regards Lancashire as it had when introduced. With the duty at 11 per cent. for imports, an excise duty of 3½ per cent. on cotton goods produced in this country does not add to the cost of cotton cloth for the poor people. That is to say, it does not take money out of the poor people. It is import duty that does that. It merely takes money out of the pockets of the—I will not say Bombay millowners, but I will say the millowners who are represented by the Honourable Member who moved this motion. The effect of my Honourable friend the Commerce Member's speech on the Honourable Sir Purshotamdas Thakurdas was very interesting. He dropped all pretence that this was anything but politics. He said it was a tax that was bad in its origin and that it was tainted money and without any question of rupees, annas and pies the Government of India ought to abolish it. I should not be averse to being the Finance Member in whose period this historic wrong was righted. But that is not to say that the present is necessarily the moment at which it can or ought to be done. The effect on the Honourable Sir Purshotamdas Thakurdas was to make him even more vigorous in his method of speech than usual. He thumped the table, he spoke of tainted money, he said that it would be a most wicked and selfish step if we did not now abolish this duty. He was very indignant because it was suggested that the Bombay millowners were profiteers. But he was warned by the Chair that it was undesirable to enter into competition with others in the matter of profiteering. But let me grant all his arguments that there are other profiteers. What do they prove ? They prove that business men are business men and that if this duty is abolished every penny of it will go into the pockets of the millowners.

Sir Purshotamdas Thakurdas : That has to be proved.

The Honourable Sir Basil Blackett : If none of them are the angels with wings I cannot see, it is quite sure that none of them will, if they can help it, allow any of this to go anywhere except into their own pockets, with the one possible exception that they may allow a little of it to go a little further on political grounds.

Sir Purshotamdas Thakurdas : Have they no competition at all amongst millowners in India ?

The Honourable Sir Basil Blackett : That is to say, if the jute millowners are all that Sir Purshotamdas claims they are. Sir Charles

Innes has clearly made out his case that the abolition of this duty at the present moment means the taking away of 1½ crores from the Finance Member—the angel on this side of the House to give it to the angels who represent Bombay.....

Sir Purshotamdas Thakurdas : Will it go only to Bombay ? Will it not go to Cawnpore ?

The Honourable Sir Basil Blackett : ....and it will still be paid by the agricultural labourer whom Mr. Ramachandra Rao represents. Sir Purshotamdas Thakurdas, Mr. Neogy and Mr. Ramachandra Rao have accused us of trying to put them in a dilemma—between provincial contributions and this duty. Sir, it is not we who are putting them in a dilemma. The dilemma is there. It cannot be avoided. This Assembly has a responsibility in the matter, and it is a responsibility which it cannot avoid. Mr. Neogy said that it was for me, not for him, to provide a substitute. It is undoubtedly for the Government of India, when the time comes, to suggest a substitute if necessary. But it will be the responsibility of the Assembly to choose. I remember that when we were discussing provincial contributions just before last year's Budget, the House eventually decided that rather than recommend an immediate reduction in provincial contributions it would prefer to adjourn the discussion because it was afraid that if it recommended an immediate reduction of provincial contributions, it might encourage the Finance Member to suggest additional taxation for the purpose of meeting them. But now the House is apparently prepared to recommend the immediate abolition of the cotton excise duty and at the same time to recommend that we should find some substituted taxation. It will not be in order for me at the present moment to go fully into the question of substituted taxation. I have heard several suggestions. Mr. Shamlal Nehru interjected a suggestion that we should increase the import duty on cotton. Since that would simply increase the charge on the agricultural labourer and put additional sums into the pockets of the millowners, I am sure that I have only to put the suggestion to be rejected. Another suggestion that I have heard put forward—it is quite an interesting one— is that we should impose some special duty—a sort of corporation profits tax—that is what it comes to—on the profits of all companies registered in India. We are not in a position to-day to discuss the merits or demerits of that suggestion, but I note it. One of the advantages of the cotton excise duty is that it is a comparatively certain and stable revenue which does not vary with the profits.

Mr. Kasturbhai Lalbhai : It varies with the price of cotton.

The Honourable Sir Basil Blackett : It does not vary to the extent a duty on profits varies.

Mr. Kasturbhai Lalbhai : It varied from Rs. 50 lakhs in 1917 to Rs. 2 crores and odd lakhs in 1921-22.

The Honourable Sir Basil Blackett : I wish the Honourable Member would retain his interesting remarks for his later opportunity of speaking. It does not vary in the way that duty on profits varies. Another alternative which might be considered would be a small annual tax on the capital of all companies in India. I shall be interested to hear how these suggestions are received by the country at large. But another suggestion is made that it be met by retrenchment, and I do want to put before the House the position therein. As I explained in my budget speech this year we are faced with an initial deficit of 2 crores of rupees at the beginning

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of next year on the basis of this year's figures—I do not say that we shall not be able to avoid it, but we shall have to find an increase of revenue or a reduction of expenditure to the extent of two crores before we balance at all next year. In addition, we have got something like over 9 crores of rupees of provincial contributions, that is to say, we have got to retrench to the extent of 11 crores or we have to get out of improved revenue from our existing taxes an extra 11 crores before the Government of India budget balances without the provincial contributions. In those circumstances, it is quite obvious that this question whether the excise duty has to go first or the provincial contributions are to be begun to be reduced first comes before us in the form of a dilemma which we cannot avoid. There is no hope next year, or the year after next, or the year after that that we shall be in a position both to get rid of the cotton excise duty and to give up the provincial contributions. There must be a choice between them unless as I say we are to take some additional taxation from some other quarter to make good the cotton excise duty. It is not a dilemma that the Government are cleverly putting before the House. It is a dilemma that exists and cannot be avoided. When we do come to consider that, I think the House will have to consider whether we are justified in making this moral gesture the value of which I do not underestimate of getting rid of a tax which historically had an origin which is not defended but which has now probably comparatively little to be said against it—unless you were simultaneously, as my Honourable friend, Sir Charles Innes said, to reduce the import duty so that the poor man would really get the benefit of the relief—we shall have to consider whether that tax which is an old tax should be got rid of simply on political grounds because it is tainted money which I noticed Sir Purshotamdas did not in the least object going into the pockets of the millowners.

Sir Purshotamdas Thakurdas : It ceases to be tainted money then.

The Honourable Sir Basil Blackett : If I find a rupee on the road, it goes into my pocket even if it has a nasty spot and I do not regard it as tainted, but I should be inclined to warn a friend if he took it that it might be carrying disease. Sir, all I want to put before the House is this. We are to-day asked to pass a very definite Resolution recommending that early steps be taken to abolish the cotton excise duty. We are not in a position to-day to consider it really on its merits other than its political merits. We are not in a position to-day to consider on its merits whether it is the first tax that in the interests of the people of India ought to be got rid of, or whether it is desirable to get rid of it and put another tax in its place. We are not in possession of the facts, nor would it be in order to discuss that sort of question in full here. We are asked therefore on political considerations to tie ourselves to a point of view which it is impossible for us to discuss fully and which I do urge this House to consider may not be in the interests of the people of India as a whole. We were discussing only two days ago the economic condition of the masses. Is this crore and a half more likely to help the economic condition of the masses if it is put into the pockets of these millowners who will not regard it as tainted, or if it is devoted to the reduction of the provincial contributions and improving the education of the masses ? These questions are all before us and we cannot get rid of them by saying that we are voting solely on political grounds. I do not for a moment contend that on political grounds there is not a great deal to be said for this Resolution, but I do say that there are

many other grounds on which it ought to be considered, and neither I, as the Finance Member, nor you as the Assembly, are justified in making a moral gesture at the possible expense of the people of India as a whole even if it is for the benefit of particular individuals.

Colonel J. D. Crawford (Bengal : European) : I wish to emphasise one point which has been brought forward by the Government benches and Government benches alone. I have listened to the fierce, I might say almost indecent, advocacy of the millowners in this House for the removal of the cotton excise duty. I will admit.....

Pandit Madan Mohan Malaviya : I rise to a point of order. Is the Honourable Member entitled to use the word " indecent ".

Mr. President : Did the Honourable Member use that word ?

Colonel J. D. Crawford : Yes.

Mr. President : Then the Honourable Member must withdraw that word.

Colonel J. D. Crawford : I beg to withdraw the word " indecent " and to substitute the word " improper ". I will admit the desirability of the withdrawal of this excise duty on cotton on political grounds, but I have one suggestion to make and that is that the money thereby obtained shall go to the people. I listened to the brilliant speech which has come from the Commerce Member and I waited longing to hear the representatives of the people get up and insist that this money shall go into the pockets of the people of India. Not one word has been said. On the last occasion when the debate on the Taxation Committee took place my friend Mr. Patel told us of the horrible condition of millions of Indian masses in this country, conditions which we all know, and which we all realise but when the case comes to be put to the practical test he is not ready to stand up in this House and demand that this money instead of going into the pockets of the millowners shall go to the masses. I trust Mr. Chaman Lall will stand up in this House and repeat the facts which he told us on this point, about the deplorable condition of the workers in the Indian cotton mills which are Indian-owned. I trust Mr. Joshi who is the only Indian Member, so far as I know, who has realised the necessity of getting this money for the benefit of the people in India will also rise and support me in saying that the excise duty on cotton will be removed only if measures can be found to place it in the hands of the people. The Honourable Mr. Neogy said that the popular voice of India was behind him in demanding the repeal of the cotton excise duty. I contend that there is a different tax the repeal of which will probably receive more support in the country than even the repeal of the cotton excise duty. That is the repeal of the income-tax. This is not a debating society. We are here to provide revenue for the administrative work of the country, and if we suggest the withdrawal of one tax it is up to us to say how we intend that the revenues of the country shall be made up. The question is one really of general expediency. The injustice, it will be admitted, which was done has been made good by the increase of the import duty on cotton and we are now asked to consider the question of its withdrawal quite apart from the question of other taxation which is placed on the country. I hold that it is not a separate question. If we consider the withdrawal of this duty, we must consider what other duties have a right also to be withdrawn, and I say that some

[Colonel J. D. Crawford.]

of those duties which have recently been put on with a view to balance the budget are those which call for primary consideration. I feel also that one of the great needs of the country to-day is the reduction of provincial contributions, so that we may have money for the education of the masses and for the improvement of the conditions under which they live. These are questions which to my mind come before the withdrawal of this particular duty on political grounds. I stand here somewhat disgusted, that the so-called representatives of the masses have not urged, as the Government Members have urged, that if this duty is repealed the benefit shall go, not into the pockets of the millowners, but into the pockets of the people. On these grounds I beg to oppose the Resolution.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : One of the punishments to which Indian Members of this House are subjected, amongst others, is to listen to discourses on their duties and to receive chastisement for sins for which they are not responsible. Members of Government and some other Honourable Members get up to tell us what our duties are, and to remind us that we are not doing our duty here. Well, Sir, I wish that every one who has spoken in this debate and every Member of this House would pin himself to the consideration of only one question which arises in this debate, namely, is the repeal of the cotton excise duty which is recommended by the Resolution for the good of the people, or is it not ? I pin my faith to that proposition. If it can be established in fair argument that the repeal of the cotton excise duty is not demanded in the interests of the people I will oppose it with all my heart in spite of all that my capitalist and millowner friends urge. But I ask that the facts should be looked straight in the face. There are two aspects of the question : one is the political aspect, the other the economic aspect. The political aspect has been dwelt upon a little too much and I do not mean to emphasise it beyond saying that there never was a duty imposed on any people which had less justification and which could be more strongly condemned than this cotton excise duty. I do not wish to dwell any further upon that. I wish to dwell upon the economic aspect of the case, and that embraces two points ; one is the aspect of the development of national industries : the second is the incidence of the tax upon the consumer. First, so far as the development of industries is concerned, every sensible man, every school boy, will recognize that, after food, the people required clothing. The people of India may do without machinery, they can do without a good many other things, but they cannot do without clothing. Clothing is needed and will be needed, it was needed in the past, it will be needed in the future. Cotton is grown in plenty in the country. The people ought to utilise all the cotton to clothe themselves. They are not able to do so. The cotton industry in India is not the property or the perquisite of the millowners alone ; the millowners are a part of the people, they work for the people, they belong to the people. Unaided by the Government of the country, unassisted in the matter of finance, unhelped in the matter of protective duties, placed under a most unjustifiable burden by reason of the cotton excise duty, the millowners of India, the Indian millowner has struggled to build up the cotton industry to what it is, which has extorted the admiration of the Member for Commerce. Has he done so for his own selfish ends only ? He has not. He is a part of the community ; he belongs to the people ; he has worked for the good of this

country, for the good of the people ; and because he has done so he is able to supply a considerable quantity of cloth to the people. That is his greatest reward, that is his greatest satisfaction, and to enable him to produce more, it is the duty of Government and of the public to render him all the assistance which the people and Government honestly can. Instead of that assistance being given him, how has he been treated ? He has been burdened with an impost for which there can be no justification, for which there can be no parallel found in any civilised country, except when you go back to England in the old days of Pitt, when there was such an excise duty proposed for a short time only to be removed as soon as the people raised a clamour against it. That is the position. Economically, then, from the national point of view, it is of importance that this industry should grow ; and how is this industry situated now ? This impost was not placed upon the Indian cotton industry in order to countervail against the duty imposed upon the cotton imports of England. The Honourable the Member for Commerce has told you that the import duty has now been raised to 11 per cent.—the import duty on cotton—and that this cotton excise duty is therefore less undesirable, the Finance Member also told us—than it used to be. He has looked at the question in an entirely misleading manner. I regret to think that the remarks of the Honourable the Finance Member also are misleading in that connection. What is the truth, Sir ? Was this duty imposed because the cotton piece-goods of Lancashire were in danger of competition by Indian mills ? Did Indian cotton piece-goods really compete at the time with the cotton piece-goods of Lancashire ? It has been admitted throughout that they did not. This duty was imposed simply at the bidding of Lancashire, because Lancashire could not bear to think that the Indian cotton industry should be allowed to grow healthily under the ægis of the Government of India. I challenge anybody to say that there was any justification for this duty being put on. Times out of number Englishmen, very honourable Englishmen, some of them occupying higher positions than many of those who advocate the retention of this duty, have said that this duty was imposed upon the Indian cotton industry merely at the dictation of Lancashire, that the fact constituted a most shameful piece of history in the annals of British administration. Therefore, Sir, the raising of the import duty to 11 per cent. does not affect the question before us. The question is, was there any justification for putting this 3½ per cent. duty on the cotton piece-goods produced in India ? If there was no justification for it initially, how is its retention justified now ? Not in order to benefit the Indian cotton industry, not in order to place the Indian cotton industry at a less disadvantage have you raised the duty on piece-goods imported, but because of the revenue necessities of the Government. Therefore, this enhancement of the import duty does not affect the question.

Now, the second aspect, the aspect which is of national importance is this, that if the mill industry grows it will benefit the people. Could there be anything more melancholy to imagine than that the people should have been reduced to the greatest hardships and privations during the period of the war because the country could not produce sufficient cloth for them ? Can there be a greater shame for the Government of this country and for the people than that huge quantities of our cotton should be taken away by Japan to be manufactured in Japan and to be brought back here ? Is it not the duty of the Government and the people to combine to develop this cotton industry, so that every single ounce of cotton produced in the country could be manufactured in

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the country to meet the demands of the people of this country in the first instance? Is it not the duty of the Government even to see that more cotton should be imported from outside, if need be, in order to supply Indian made cloth to the people of this country? That is the direction in which the Government and the people ought to work, and that demands that the cotton industry should be helped, that this unjust and unjustifiable burden should be taken off its shoulders, that it should be developed and assisted in every way in order that it may grow until all the cotton produced in the country is utilised by it.

Now, I come to the second question, the question of the burden on the consumer. Is the consumer going to be benefited by reason of this duty being taken off. It has been assumed in the debate by some speakers that he will not be. The Honourable Member for Commerce was asked by the Honourable Mr. Kasturbhai Lalbhai to quote the comparative figures of the prices of imported piece-goods and of the piece-goods produced by Indian mills during the last ten years or so. He said he left it to Mr. Kasturbhai to quote these figures. By the courtesy of my friend Mr. Kasturbhai Lalbhai I place these figures before the Assembly. They will show how little justification there is for the proposition which has been urged by the Honourable Member for Commerce, and the Honourable the Finance Member that the consumer will not benefit if this duty is taken off. In 1909-1910 the price of imported piece-goods was as. 2 p. 5 $\frac{2}{3}$. The price of Indian goods as calculated from excise duty paid was as. 1 p. 11$\frac{1}{2}$, the difference being 6 pies. In 1910-11 the difference in favour of Indian goods was 9 pies. In 1911-12 the price of imported goods was as. 2 p. 9$\frac{3}{4}$ and of Indian goods as. 2 p. 0$\frac{1}{4}$, the difference being 9$\frac{1}{2}$ pies.

The Honourable Sir Charles Innes: May I interrupt the Honourable Member? Would he explain what these figures are? What is the unit of comparison and whether he has taken the prices of different kinds of cloth? I entirely fail to understand his figures.

Pandit Madan Mohan Malaviya: I will hand over to my friend the Government publication from which these figures are taken. He will find all the details there.

I wish to go on with the figures which I was giving to the Assembly.

Year.	Price of imported piece-goods.	Price of Indian goods.	Difference
	As. Ps.	As. Ps.	As. Ps.
1912-13 . . .	2 9$\frac{1}{2}$	2 2$\frac{1}{4}$	0 7$\frac{1}{4}$
1913-14 . . .	2 10$\frac{5}{16}$	2 2$\frac{1}{4}$	0 8$\frac{1}{16}$
1914-15 . . .	2 9$\frac{1}{4}$	2 1	0 8$\frac{1}{4}$
1915-16 . . .	2 9$\frac{1}{4}$	1 7$\frac{1}{4}$	1 2$\frac{1}{4}$
1916-17 . . .	3 9$\frac{1}{4}$	1 4$\frac{1}{4}$	2 4$\frac{1}{4}$
1917-18 . . .	5 1$\frac{1}{4}$	2 3$\frac{1}{4}$	2 10$\frac{1}{4}$
1918-19 . . .	6 11	4 6	2 5
1919-20 . . .	7 8$\frac{1}{4}$	4 7	3 1$\frac{1}{4}$
1920-21 . . .	8 11	7 1	1 10

Now, Sir, this will show that the statement of the Honourable the Commerce Member that the prices of imported cloth determine the prices of Indian cloth is not to be accepted without a qualification. This will show that the Indian mills have not fixed their prices merely by a consideration of the prices of imported cloth. And there is another very important point which is to be borne in mind in this connection. The price of cloth has gone up and the consumption of cloth has gone down. The people of this country are unfortunately very poor. The people of this country were using 18 yards of cloth per head before the war. That consumption went down to 9 yards per head. It is now rising to something like 11 yards per head. That will show how much loss has been inflicted upon the people of this country by the rise in the prices of cloth. How is that rise to be brought down ? If you keep up this duty, who will say that this duty is being paid by the mill-owner out of his own money. It is being put on the head of the consumer. The consumer has to pay it. When the profits are very high, it will come out of the profits of the millowner. But when the profits are not high and are normal, the duty is paid by no one except the consumer. The millowner is not so foolish as not to take this duty into account in determining the price at which he will sell his cloth. This fact has been recognised by all sensible critics whether English or Indian. I will quote only one opinion which ought to suffice in this connection. It was published in the London *Times* of the 5th March 1917. Writing on this subject the *Times* said :

> " The Indian cotton excise duty has always been politically, economically and above all morally indefensible. It has made a grave breach in the moral basis of the British control of India. It was deeply resented from the outset and has remained an open sore. At the bidding of Lancashire, the Hindu peasant has had to pay more for his clothing for twenty years because, although it is made in his own country, it is subject to an excise duty."

Every fairminded Englishman will recognise that this duty falls upon the consumer, and it is absurd for anybody to try to persuade us Indians here that the duty does not fall upon the consumer, that if it is taken off, the money saved will go into the pockets of the millowner. The millowner is a business man. If the Government of India recognised the wisdom of having a pice post-card and thereby made a large income, the millowner knows that if cloth is cheap it will find a larger market, a very much larger number of people will use it. And in normal conditions in his own interest, apart from any humanitarian or patriotic considerations, the millowner will have to sell his cloth as cheap as he can. He has so far not been able to sell it as cheap as I wish he would, because the price of cotton has gone up. But the price of cotton is going down, and I expect, that as the prices go down, the millowner of India will be able to sell cloth at cheaper rates.

Now that being so, I submit that it is not right to say that if these duties are taken off, the money will go entirely to the millowners. It must be recognised that at least a part of it will remain with the consumer; that in the long run there is a greater chance of the consumer being benefitted than the producers. If the present state of things is allowed, if you do not take off this duty, it only means that Japan will make further inroads into the markets of this country. Japan, only a few years ago, in 1919-20, sent to this country 2,000 lbs. of yarn. Now I find that the imports from Japan have risen to twelve million pounds. The Japanese imports are steadily growing.

[Pandit Madan Mohan Malaviya.]

The late Sir Vithaldas Thackersey sounded a note of warning in his speech in the Legislative Assembly in 1922 when he said :

"The principal competitor in the Indian market is not Lancashire. It is Japan. With their bounty-fed freights for importing raw materials both from India and America and sending out their productions in their bounty-fed boats ; with their home markets fully protected where they can sell their goods at a higher rate in order to enable them to dump goods in India and elsewhere ; all these reasons make Japan a great competitor of India."

The quantity of imports which come at present from Japan is an index of what is likely to come in the future, if we do not help the Indian millowner to earn more money and to manufacture more yarn and cloth in this country. It is in the interests of the people therefore that the millowner should be helped and encouraged to increase his manufacturing power so that he can manufacture all the cotton that may be available in this country. It is in that way alone that you will help the people to clothe themselves with Indian-made cloth. For these reasons I strongly support the motion which is now before the House, and I hope that it will be carried unanimously with the support not only of the Indian Members but of those European Members also who look at this question from the right point of view, without any political prejudice or economic bias.

Dr. L. K. Hyder (Agra Division : Muhammadan Rural) : Sir, I have only two comments to make on this Resolution. One refers to the question of justice and the other to that of incidence. As regards justice, I think it has been admitted that originally this cotton excise duty was a duty which ought not to have been imposed. I ask you to consider when the duty was put forward. It is now 30 years ago, and in the course of these 30 years the cotton industry in India has expanded, so that it is now in a flourishing state in spite of this impost. The industry has readjusted itself to this impost and in the cotton industry that has happened which is known to medical men as " tolerance " that is to say, that when a hurt is inflicted on a body, the body adjusts itself to the hurt which has been inflicted ; so that after 30 years the expansion of the cotton industry is not hindered by this impost. Further I ask you to consider this question of justice in connection with a fiscal maxim. It was a Frenchman who said that " every old tax is good, every new tax is bad, but the new becomes good in course of time." When you come to vote on this question I ask you to bear this fiscal maxim in mind, when you decide to vote for or against the Resolution.

As regards the question of incidence, it is plain that the man who pays is the consumer, so that the question resolves itself into this, whether it is right that the money that now goes to the collective purse, to the purse of the State, should go to the purses of a few individuals. It is not the question whether the consumer will be benefitted, the only question is whether this transference of money from pockets which are very narrow, which are very empty, which are torn, whether this transference of money should take this direction, from the collective purse to the purse of a few individuals. I think if the issue is made clear like this, perhaps the Members of this Assembly will have no hesitation in coming to the decision that on the whole it is better that what is obtained from the people should be spent for the benefit of the people (*An Honourable Member* : " Is it " ?). If you decide it the other way, it will come to this, that you are transferring money from relatively poor people to relatively rich people. I have no more comments to make on this, Sir.

Mr. H. G. Cocke (Bombay: European) : Sir, I desire to support this Resolution and I do so mainly on two grounds. I do not want to dwell on the historical aspect of this question, which has taken quite sufficient time to-day, but I think it has been admitted from the benches opposite that the day that this duty becomes expunged from the Statute-book will be a very good day for everybody. It will deprive this House of a very interesting subject for debate, no doubt, but on every other ground I think we shall all be pleased to see the end of this tax owing to its objectionable associations. But I oppose the tax mainly on the ground that it is a tax on production, and a tax on production of an article which is in use by the masses. We have been told, and it is not disputed, that the cloth which our mills manufacture is the cloth which is mainly used by the masses, and therefore on that ground I say a duty on the production of an article of this sort is a bad tax. If you have got to have an excise duty on production, then I think it should be at a smaller percentage and it should be much more widely spread. It would not be difficult to name other industries in India on which a tax on production could be imposed, and if the rate were more moderate it would obviously make it easier to deal with and easier to collect.

I wish also to say a word about the argument which has been used from the Government benches, that if this tax is removed to-morrow, the whole amount will go into the pockets of the millowners. That may be very good as an election cry, but I do not think it is a sound argument to put forward in this House. It is obvious that, if at the present time when your mills are making a loss, you take off this duty, that will in the first place remove that loss, and we will assume no profit and no loss will be the result. To a mill to-day which is not making a loss and not making a profit, but is just paying its way, it is obvious again, that if you take off this duty, you will be allowing a small profit to be made and possibly a small dividend to be paid. In that sense the amount goes into the pockets of the shareholders, or it may go to the reserve, which is much the same thing, although the shareholder may not perhaps think so. But take the case of a mill which makes half an anna per lb. margin on its cloth. After all mills deal in margins, for they have got to work for a margin between the sale price and the production price. They have got to try and keep machinery running at full swing and they have got to dispose of their total production. If they are now making a margin of half an anna a pound, it is obvious that, if you take this duty off, you are going to give them a bigger margin, and the result of this must be a tendency to a reduction of prices. They are going to be able to compete with the Japanese article more easily, and that is going to help to keep the mills further to work, and it is going to enable them gradually to reduce the price of their cloth. I do not say that if you take this duty off, the immediate effect will be that the consumer will get the benefit of the whole of it. But I do say there must be a tendency in that direction and that must be the result in the end. The question of Japanese competition has been referred to, and the Honourable Sir Charles Innes, I was glad to hear, stated that it was being watched very carefully. I am very glad of that because it is certainly a menace and unfortunately the competition between the Indian mill and the Japanese mill does not seem a very fair competition. In a speech made by Captain Sassoon in Bombay a short time back he spoke as follows :

"When we realise that Japan has 48 lakhs spindles against our 79 lakhs and yet consumes the same amount of cotton as we do, roughly 2 million bales, I must point out that they work 22 hours a day, in two shifts, whereas our Indian mills are

[Mr. H. G. Cocke.]

restricted to a working week of 60 hours, and I might here mention that though Japan has agreed to ratify the Washington hours of labour conditions, they have not to date done so, but keep on putting the world off with an excuse. Besides the advantage of these long hours, they have been using cheap female and child labour against our male labour, they have a high protective tariff which enables them to dump their surplus into India at a low rate, backed up as they are with favourable freight rates through the subsidies paid to Japanese lines."

The Japanese competition is a very important factor at the present time and I am glad to know that it will be watched.

If this duty is removed it will, it is true, give the Indian mills a greater protection than they now have over the imported article, but I am not quite sure, in view of those remarks of Captain Sassoon, whether it is not desirable that that additional protection should not be given, certainly so far as Japan is concerned.

Sir, you have ruled that we must not go into other questions of taxation to any extent, but the matter has been debated to some extent and the Finance Member this morning suggested that if we were going to support the abolition of this tax we should be prepared to suggest substitutes. He has named this afternoon two or three. He did not refer, however, to any regrading of the income-tax. It seems to me if the masses of this country are so poor that they cannot stand a very small extra charge for their salt, and so on, then we shall have to leave the masses alone. This question will be subjected to the investigation of the Taxation Inquiry Committee, but if that is proved to be the case, that we cannot tax the masses, we shall have to consider the question of taxing the smaller incomes. I refer to incomes, we will say, of Rs. 500 upwards, because it is obvious that additional super-tax in this country is going to yield you very little. The number of incomes liable to super-tax is very limited, and you have got a great mass of humanity earning very little. We are told you cannot tax them at all. We are told they cannot bear the salt tax, which is one remedy for the abolition of this excise duty, and therefore to my mind you will have to consider the question of regrading the income-tax. At present no income under Rs. 2,000 pays any tax and the tax on an income of Rs. 3,000 only pays Rs. 78 or Rs. 6|8 a month. That is another method of taxation. I know the income-tax is as unpopular as any other tax but you have got to get money somewhere. We must have this cotton duty removed and we must have the provincial contributions attended to at the earliest possible time. I am not going so far as to suggest that the removal of this duty necessarily comes in the forefront of everything else. That is a matter for the Taxation Inquiry Committee and a matter for this House ; and it may be that in view of the fact that the import duties have gone up and the excise duty has remained the same, it will be desirable in the interests of the country generally to keep the excise duty at the figure at which it now stands for another year or two ; but that does not prevent me from supporting this Resolution to the effect that it should be removed,—that the Governor General should take early steps to abolish it ; and I hope it will be possible for him to take those early steps and at the same time take steps to remove or alleviate the provincial contributions by a general amendment of the taxation system of the country.

Mr. C. S. Ranga Iyer : I move that the question be now put.

The motion was adopted.

Mr. Kasturbhai Lalbhai (Ahmedabad Millowners' Association : Indian Commerce) : Sir, Mr. Neogy's amendment desires me to drop the

latter portion of my Resolution dealing with the protection to the textile industry. Although I would much desire an investigation by the Tariff Board to devise some means to afford protection to the industry against the inroads of Japan, which is selling yarn and piece-goods in the Indian market below the cost to the Indian manufacturer, I accept Mr. Neogy's amendment rather than allow Government to use the Tariff Board as a peg whereon they can hang the considered decision of this House and defer action as they have done in the case of bounty-fed African coal.

Sir, it has been a painful surprise to me to listen to the defence which the Honourable Sir Charles Innes has ventured to put forward in favour of the cotton excise impost. The tax had not so far been defended on merits by any responsible official from Sir James Westland to our *ex*-Finance Member, Sir Malcolm Hailey. It has been condemned by Prime Ministers in England, representing three different schools of political thought, namely, Conservatives, Liberals and Labourites, the last among them being our present Premier. Viceroys after Viceroys from the time of Lord Curzon onwards have also condemned it ; and it would have been more consistent if the Honourable Commerce Member had cared not to go back on the considered opinions of all these personages. In fact when he laboured the point of showing the percentage supply of yarn and cloth by Indian mills to this country, I could not persuade myself to the thought that I was listening to the Honourable Member in charge of the commerce of this country whose sole interest, I believe, should be the advancement of the commerce and, if I may say so, of the industries of India and India alone.

Sir Charles tried to prove that Indian cotton mills supply about 90 per cent. of the local demand for yarn and have little to fear from foreign competition in this line. But in arriving at that percentage, he has conveniently forgotten to mention that the cloth produced by Indian mills and hand-looms from this 90 per cent. of yarn represents only about 60 per cent. of the country's normal requirements. Sir Charles Innes has also referred to the profits of cotton mills. It would have been more illuminating if he had given us comparative figures of profits made by the textile industry elsewhere, *e.g.*, England, America, Japan and so on, during the same period. I think the House would have been glad also to have figures of profits made by jute, woollen and such other concerns in India during the war time. I ask, Sir, have cotton mill profits been higher than those of jute, which declared 130 per cent. dividends during the war period? I venture to submit that taking a number of normal years the profits of Indian cotton mills have not been more than 10 per cent.

The House is familiar with the position of the last and current years in which cotton mills were made to pay the excise impost on cloth production in spite of losses. Without dilating further upon this point, I need only remind the Honourable Commerce Member of what his Colleague, Sir Malcolm Hailey, said in 1922. He observed :

> "We realise that our conduct in regard to the Bombay and Ahmedabad millowners must be one of caution.....Allusion has been made to the profits made by them.....but they have earned these in fair trade and no one need grudge a business man the profits earned by industry and enterprise. We least of all grudge them."

I may also be permitted to say, Sir, that while the profits earned by the Indian textile industry have returned to the community in one form or another, those which our foreign competitors made were simply a drain

[Mr. Kasthurbhai Lalbhai.]

on India. The phenomenal progress of the industry was also referred to. Percentages in such cases are misleading and in spite of all Sir Charles Innes may say the fact remains that while during the last 23 years in which the industry has been burdened with an excise impost, the increase of spindles in America has been 2 crores and 74 lakhs, in England one crore and 11 lakhs, in Japan 43 lakhs, (working night and day, *i.e.*, 86 lakhs), in India it has been 41 lakhs only. In looms also we continue to remain in the background in the same manner. America increased its looms by 3 lakhs 82 thousand, England by 1 lakh 88 thousand, Japan by 58 thousand, (working night and day, *i.e.*, 1 lakh and 16 thousand), while this country could only add 1 lakh and 9 thousand to its looms in all these years. I leave it to the House to judge for itself whether the progress could be at all deemed satisfactory when we consider the resources and the needs of this vast country.

It was suggested that the continuance of the duty is not a grievance as it is low and that in 1922 nobody asked for its repeal. It is sufficient to quote Sir Malcolm Hailey again who said during the course of the discussion on the Finance Bill in 1922 :

> "Both Lord Hardinge and Sir William Meyer gave expression to the sentiment which I still feel and my colleagues, I am sure, still feel that the cotton excise duty in itself *quo* countervailing duty was undesirable and that it ought ultimately to be removed."

Where was the necessity of this apologia by the Finance Member if there was no grievance against the duty ? The Government desired to raise it and had ultimately to keep it at its original level, not because people did not want its repeal then, but merely as a compromise for the time being, *i.e.*, pending the considered verdict of the Fiscal Commission which was then sitting but which has now condemned the tax unequivocally.

Sir, we are told that, before the Fiscal Commission, the Bombay Millowners' representatives did not ask for protection to cotton textile mills. As stated in my speech, the present difference of 7½ per cent. in the import and excise duty is illusory. We have to pay duties on machinery, stores and in some cases on yarns from which the foreigner is exempt. I find, moreover, that the Bombay Millowners' Association in its written statement emphaticaly asked for protection and added that, while adhering to that policy, it did not approve in theory or practice of the imposition of excise duty in the case of any article with the possible exception of spirituous liquors. The millowners' point of view has been clearly expressed in the latter half of paragraph 168 of the Fiscal Commission Report and by the majority of the Indian members of the Commission in paragraph 20 of their able minute. The recent representation of the Bombay Millowners is also in the hands of Government, which shows what their present views are. I may add that Mr. J. A. Wadia, who is an authority on this subject, urged in his last year's review of the cotton mill industry for a protective duty of 22 per cent. on foreign cotton goods. This is not more than what Japan and America have done and India may well take a chapter from their books in this case.

It has been said, Sir, that cloth prices in India are regulated by the foreign imports. The statement given by the Honourable Pandit Madan Mohan Malaviya should prove to the satisfaction of the House that the prices of Indian piece-goods are not controlled by imported piece-goods but by the internal competition.

Sir Charles Innes has tried to make much of the expression " financial considerations " used by Lord Hardinge while assuring this country of the Government's intention to repeal the cotton excise impost. This assurance, Sir, bears a strange, yet close, analogy to a similar assurance given in 1877 by Lord George Hamilton, Under Secretary of State for India, and the Secretary of State, Lord Salisbury, to the textile manufacturers of Manchester to repeal the import duty on cotton goods as soon as the *financial condition of India would permit.* That assurance was given in spite of the unanimous and considered verdict of the Fiscal Commission of 1874, which was, that the low import duties then prevailing on cotton yarn and piece-goods were fair and equitable and that the contentions of Manchester regarding their supposed protective nature were without foundation.

Lord Northbrook's Government was also opposed to its repeal. But none of them were listened to and the assurance to Manchester was given effect to partially in the next year, 1878, which was one of adverse finance and fully in 1882, again in the face of a deficit budget and famine.

But what is the fate of the assurance given to the Indian textile industry in 1916 ? It hangs fire on one ground or another. The year 1924 opened with a balanced budget accompanied on the other hand by widespread depression and consequent unemployment in the textile industry. If I read the revenue figures correctly for the current year, I feel that Government may be expected to earn at least about 3 crores of rupees over their estimates in customs duties alone. In fact, the last five months returns are already Rs. 3 crores above that of the previous year and the highest so far recorded in the same period at any other time. Railways are expected to bring in at least a crore of rupees more than the budget estimates. Exchange, which has been calculated at 1*s.* 4$\frac{3}{4}$*d.* for the purposes of the budget has remained higher by about three-fourths of a penny in the year so far ; and to my mind, there are no signs of its going down. This may give an extra crore or two to the Government. Revenue estimates in respect of other heads are not also wide fo the mark, and I have no hesitation in saying that if Government will it, the time is opportune to redeem their solemn pledges to the indigenous industry. I contend, Sir, that even if no surplus were available and if revenue is required, there can be no justification for discriminating the cotton textile industry from others such as jute, silk and woollen mills for the imposition of an excise tax. Why do not Government spread the burden equally over all industries if revenue is indispensable ?

The Honourable Sir Basil Blackett referred to the profit tax and said it was not desirable as it varies. Sir, the variation in cotton excise duties has been from Rs. 50 lakhs in the year 1917 to Rs. 2 crores and odd lakhs in the year 1921-22.

Sir, the cotton excise impost has been resented in this country from its inception ; the whole country excluding a Chamber or two interested in the import trade is at one in asking for its immediate repeal to-day, and before I close I may be permitted to sound a note of warning that India would not placidly submit to step-motherly treatment in the matter of this tax any longer. She is not going to accept the unhappy position that assurances given to English manufacturers alone are enforceable while those given to Indians are a mere scrap of paper. It is up to this House, Sir, to see that the indigenous manufacturer is not denied his natural and just rights in his own native land.

The Honourable Sir Charles Innes : Sir, I do not propose to keep the House very long. In fact, I do not think there is any need for me to do so, because, in spite of the long debate we have had, I have not been able to discover that my arguments have been seriously challenged by any one. Mr. Kasturbhai Lalbhai has accused me of grudging the mill-owners their profits during the war. Mr. Kasturbhai Lalbhai had no right to make that statement at all. What is the history of this matter ? In his opening speech Mr. Kasturbhai Lalbhai stated that in regard to pledges, official memory was short. He has just now stated that we regard these pledges as a scrap of paper. I had to take up that point, and in order to meet it, I compared on the one hand our deficit budgets and on the other hand the profits made by the millowners during the war. I never said that I grudged them those profits and I do not grudge them those profits for a moment. But if the millowners and their representatives in this House make statements of that kind, they must not be surprised if these profits of theirs are brought out into the light. He seemed to me to be unduly sensitive about it.

While I am on this matter I should like to make an apology to my friend Sir Purshotamdas Thakurdas. He accused me of referring all through my speech primarily to the Bombay millowners. I am afraid I did and the reason why I did so was this. I regard the Bombay Mill-owners' Association as the Association which is entitled to speak with authority for the whole of the cotton industry in India, and when I referred to the Bombay millowners I hope, Sir, the House will recognise that I was referring in short terms to the Bombay Millowners' Association which as I say is the recognised authority on all matters connected with the cotton mill industry. Let us get back to this matter. I have been accused of having tried to place the House in a dilemma. I assure the House that nothing was further from my thought. As the Honourable Sir Basil Blackett has pointed out, we did not create the dilemma, the dilemma is there. It has been suggested that this tax is to be kept on for the benefit of Lancashire. Surely, the House must realise that a statement of that kind is absolutely untrue. We have a measure of fiscal autonomy in India. That fact is proved by the Steel (Protection) Act which we passed last July, and the House may take it from me that, when this question does come to be considered, if this House and the Government of India arrive at an agreement the Secretary of State will not interfere nor will Lancashire. The whole question will be decided, and must be decided, solely with reference to the interests of India. That is why I ventured to bring out in my speech the economic aspect of this question. If the question is one merely between the Indian tax-payer and the Indian producer, surely this House and the Indian people are robust enough to look at the matter purely from the economic aspect with reference to what they consider to be the interests of India. I have no doubt that they will take into account the unhappy history of this matter. I myself, speaking personally, would be glad to see the Cotton Excise Duties Act off the Statute-book if only for the reason that then I should not have to engage in these very acrimonious debates. But if I defended the tax I defended it solely in order that when the House does come to consider the question it may consider it purely in a dispassionate manner. The Honourable Pandit Madan Mohan Malaviya may talk as much as he likes, but he cannot alter economic facts, nor Mr. Kasturbhai Lalbhai, nor Mr. Cocke. The economic fact is, and it has been brought out in the report of the Fiscal Commission,

that the price of piece-goods in India is governed mainly by the import price. That is the difficulty we shall be up against. If you take off this tax you will not reduce the price of cloth. The excise duty will still be paid but it will be paid to the millowners and not to the Government. That is a fact which will have to be borne in mind when you weigh the claims of this tax for abolition and those of provincial contributions for reduction. There is no good blinking that fact. There is no good trying to cloud the issue, trying to take this question away from the economic sphere altogether and bring it back to the political one. This House has got to stand up to its responsibilities to the people of India, and Sir, when the question does come to be decided I have no doubt but that they will. That, Sir, is all that I have to say.

Mr. President : The original question was :

" That this Assembly recommends to the Governor General in Council to take early steps to abolish the cotton excise duty as recommended by a majority of the Indian members on the Indian Fiscal Commission and to be pleased to direct the Tariff Board to further examine the question of protection to the Indian cotton mill industry at an early date."

Since which an amendment has been moved :

To omit all the words after the words " Indian Fiscal Commission ".

The question that I have to put is that that amendment be made.

The motion was adopted.

Mr. President : The question is that the *Resolution, as amended, be adopted.

The motion was adopted.

RESOLUTION *RE* APPOINTMENT OF A COMMITTEE TO INQUIRE INTO THE CAUSES OF RECURRING FLOODS.

Mr. Bhubanananda Das (Orissa Division : Non-Muhammadan) : Sir, I rise to move the Resolution standing in the name of my friend Mr. Yusuf Imam. It runs as follows.....

Lala Duni Chand (Ambala Division : Non-Muhammadan) : I rise on a point of order. The Honourable Mover, Mr. Yusuf Imam, is not moving the Resolution, and in fact he is absent. He has given no authority to the Honourable Mr. Das or asked him to move the Resolution on his behalf. I pray the Honourable the President to give a ruling.

Mr. President : I am afraid the Honourable Member from the Punjab is speaking without his book. I have received authority from Mr. Yusuf Imam to call upon Mr. Bhubanananda Das to move his Resolution in his absence. I do not know why the Honourable Member interrupted.

Mr. Bhubanananda Das : Sir, the Resolution runs as follows :

" This Assembly recommends to the Governor General in Council that a committee of experts be immediately appointed to inquire into the causes of the recurring floods all over India and to advise the Central and Provincial Governments on the best remedies against such floods."

Sir, I gave notice of the original Resolution in the Assembly and I am happy to find that I am now moving the same Resolution in this House and by the time I finish moving this Resolution I hope I shall get the

* " That this Assembly recommends to the Governor General in Council to take early steps to abolish the cotton excise duty as recommended by a majority of the Indian members on the Indian Fiscal Commission."

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support of the House in the proposition that I put forward in this Resolution. It has always been taken for granted that floods are due to providence, like epidemics, famine, etc. But floods are due mainly to human factors. Members of the Treasury Benches may not agree with me but I hope by the time I have finished I shall convince them that it is the hand of man that is responsible for these floods. In the February session of this Assembly I had the temerity to ask a question in this House which was as follows :

"Have Government inquired into the causes of the floods which are happening in several parts of the country ?

Are Government aware of the popular belief that the ravages of the floods are due to natural waterways being blocked up by railways which have failed to provide sufficient bridges and culverts ?

Have the Government made or do they propose to make a full inquiry into the matter ?"

Mr. Butler, the former Secretary in the Agricultural Department replied :

"The Government of India are not aware of the popular belief referred to in the question and have no information justifying any such idea. In individual cases where a flood has been proved to be partly due to the insufficiency of waterway in the railway embankments the necessary addition waterway has been provided as early as possible."

I am glad the Department of Meteorology was not asked to reply to these questions. The Agricultural Department is concerned with the after effects of floods. They are not concerned with the causes that bring about so many floods. I wish the former Secretary of the Agricultural Department had replied that it is the sun that is responsible for the floods, because the sun heats the water, clouds come and thereby floods are caused. But of course the Honourable Mr. Chatterjee was saved from a reply to those questions and they were thrust on the Agricultural Department. (*The Honourable Mr. A. C. Chatterjee* : "I was not aware even of these questions.") We on this side of the House asked a series of supplementary questions that created quite a furore in the Anglo-Indian press. Sir, none of us believe that the Government of India, spending the rainy season on the heights of Simla, can ever imagine that floods happen in the country. I know occasionally there are landslides in Simla that sweep away the poor huts inhabited perhaps by some poor member of the staff of the Secretariat. But I do not think the Treasury Bench can realize the troubles and disasters of floods. Sir, since then my very assiduous friend Mr. Gaya Prasad Sinha has tabled interpellation after interpellation quoting chapter and verse from Government reports and proving that railway and simliar embankments are the reasons why there are so many recurring floods in India. At last, only this session Government had to admit that the facts were as they were stated and that railways were partially responsible for floods in India. Yet it is curious of the mentality of the Treasury Bench that to a question of Mr. Gaya Prasad Sinha in the Delhi session about the causes of floods my Honourable friend Sir Henry Moncrieff Smith replied that it was a question for Local Governments to decide and it was a matter in which the Government of India had very little interest. Sir, the waterways, rivers as they are commonly known to the people of India, are the natural courses of drainage of rain water to the sea. India has many mighty rivers extending over thousands of miles, running from east to west, north to south or west to east, depending upon

the watersheds of these rivers. These waterways did shape their course taking the natural path of low level flow to the sea. In the formation of the topography of our country, as in the geological formation of land in any other country, rivers were the natural drains of surplus rain waters. There was little obstruction from man. Embankments were raised at places. But people took advantage of high-levelled lands to build their towns and hamlets centuries ago. There were few roads and those that existed had sufficient waterways. There was little obstruction to waterways and rivers flowed merrily to the sea. If floods there were, water subsided after a few days of floods.

With the advent of the British rule, not only rivers were forded, but almost all rivers and streams were banked, leading to the raising of river-beds above the surrounding lands. Modern civilisation has brought also a great hankering for roadways. (*The Honourable Mr. A. C. Chatterjee* : "Are you objecting to roads?") No, Sir. I do not object. I am showing you how floods come. India is interlaced to-day with roadways. Honourable Members who come from districts may testify to this hankering among district board and local board members to run roadways from their town to their villages. Sir, this process is going on every day and the topography of the country is intersected and interlaced into small areas, which are lakes in the rainy season and dry beds in the dry season. The irrigation works of the State, now provincial departments, added their quota to such impounding. Canal embankments where they exist, go on obstructing natural drainage of waterways of India. Besides, they tap the water from a river from a certain point, thereby diverting the course of the old natural drainage—the rivers. Rivers have flow of water only during rains and this process has raised the beds of rivers still higher above the surrounding locality and river beds are now silted up with sand and mud.

Lastly, came the Railways with their embankment, sledge hammered lines, running mostly parallel to the many waterways in India. These Railways first came to exist under the guaranteed system. Their engineers had charters from the Secretary of State or the Government of India. Little did they pay attention to the occasional complaints of the Provincial Governments or to the comforts of the children of the soil. I can quote extracts here to show that such objections had been taken by different Provincial Governments. Some of these quotations are from the District Gazetteer of Rajshahi and Dinajpur districts. Their Governments complained—it has been stated—that the floods had been due to the railway embankments of Bengal in those years. The great floods in Northern Bengal in 1922, floods in Bihar and in my own province, Orissa, in the same year, disastrous floods in South India, the Punjab, Rajputana and the United Provinces have again crystallised in men's mind that some inquiry must be made into the causes of floods. Dr. Meghnad Saha, that renowned mathematician of Bengal, instituted such an enquiry under the auspices of the Bengal Flood Relief Inquiry Committee and wrote a very precise article in the *Modern Review* of November 1922. He quoted eminent authorities, specially Dr. Bentley, the Director of Public Health of Bengal, confirming the views that railway embankments are a good deal responsible for flood disasters. After that, the Railway Board also appointed an inquiry committee and appointed Rai Bahadur Ralla Ram, retired Engineer in Chief of the Eastern Bengal Railway, to that Committee. That gentleman also submitted a report

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to the Government confirming similar views and recommending that certain waterways of railways should be expanded. Rai Bahadur Ralla Ram has also mentioned the very valuable report of Dr. Maghnad Saha and though stated that it was quoted in the appendix the Government publication department has expunged the same valuable report.

My own considered opinion on the subject is that the hand of man in erecting these embankments of railways and of canals and highways without taking into consideration the general waterways of the country is solely responsible for these ever-recurring floods, recurring disasters to millions of the teeming population of India. Epidemics, cholera, malaria come in the wake of the floods—they attack people when all their little hoard of grain has been washed away. People die like rats. Who is responsible for this great calamity, a permanently inflicted calamity on the people of India? I admit Government have made grants but what is the use of granting relief. Why not remove the causes of these floods? It was reported in the papers that in the other House there was an interesting speech made by the Member for Revenue and Agriculture in which he said that the Government of India are granting one crore of rupees to the Madras Government. The Honourable Member is reported to have stated that Government have a soul and are sympathetic. If the Government have a soul and have considered it necessary to make a grant, why should they not consider some means by which the causes of these floods may be removed. What's the use of throwing crumbs of bread to the sufferers of the floods? What's the use of famine codes and famine funds? Remove the causes of floods.

Who is responsible for this great calamity, a permanently inflicted calamity on the people of India? Not the Railway alone—I absolve my Honourable friend Mr. Hindley from the complete charge, but all classes of engineers—the road engineer, the canal engineer and the railway engineer. Sir I myself am an engineer. It is no pleasure to me to accuse my own profession. Yet I maintain, the short sightedness and lack of foresight of my profession have brought the country to a land of famine, floods and epidemics. The Chief Commissioner of Railways will tell us what a great amount of money is spent on the maintenance and replacement of Railways in India per annum. He may, if he pleases, enlighten us and every member of districts knows what money is spent on replacement and repairs of roads and canals. What about the maintenance and repairs of nature's highways—the drainage outlet of nature's surplus water. You have too long interfered, blocked and obstructed such waterways. Has the State any waterway engineer to look after proper drainage? No. Canals and roads are provincial subjects. How can you co-ordinate their work? In the United States of America great engineering works have been undertaken and in some cases completed for preventing the ravages of floods. We have no department in the Government of India for such preventions and precautions. Yet the land revenue of India is about 40 crores of rupees. Nearly 90 per cent. of the people live on the land as agriculturists and labourers. No money is spent to maintain waterways which bring the Central and Provincial Governments crores of income and which is the source of maintenance of 300 millions of people.

Your Railways only bring in a nett revenue of 5 to 6 crores to the central exchequer. You spend crores on maintenance of railways, while

you neglect maintenance of the waterways of India which bring you such a large income and is the source of maintenance of nearly 300 millions of agriculturist people of India. There is something wrong, very wrong. Let there be a committee to inquire into this. Let there be representatives of Railways, P. W. D., Irrigation, and the representatives of the agricultural classes in it. That is my submission. I hope the Government will recognise the mischief and neglect done to the people in not maintaining waterways and will accept my Resolution and take early steps to avoid famine, starvation and epidemics in India. I hope Government who pose as the *ma-bap* of the teeming millions will recognise this obligation to the teeming millions and will accept my Resolution without a murmur.

Mr. Mahmood Schamnad Sahib Bahadur (West Coast and Nilgiris : Muhammadan) : Sir, in supporting this Resolution I shall point out how the floods are in a great measure due to railway bridges and railway and road embankments. The part of the country that is worst affected on account of the floods this year is Malabar and the adjacent districts of the West Coast, which I have the honour to represent. Now, I will explain to you with reference to the West Coast what happens during heavy rains and floods, how the railway lines are responsible for the floods. The West Coast is made up of the districts of South Kanara, North Malabar, and South Malabar. It is a narrow strip of land lying between the Western Ghats and the Arabian Sea. Its breadth is from 10 miles to 50 miles.The coastal strip is a low-lying land consisting of paddy flats and cocoa gardens. There are nearly 100 short and fast running rivers and streams which traverse this low land originating from the Ghats in the east and emptying their waters in the Arabian Sea, in the west. The railway line runs along the coast from one end to the other, south to north. But as this part of the land is very low, they had to make high banks for the railway line which not only has narrowed the breadth of the rivers but has also altogether blocked all minor streams. Formerly, whenever there was excessive rain and floods, all the water used to be emptied soon through all these rivers and streams ; and if there was still more water it was overflowing and passing along the low flats by the river side also. But now the high banks prevent all that and as it is not possible for all the water to pass through the few waterways kept in the middle of the rivers, all the country round is inundated and all these catastrophes happen.

Therefore while asking this House to support this Resolution, I shall also request the Government to make some contribution to the flood relief of South India, chiefly Malabar.

Maulvi Abul Kasem (Bengal : Nominated Non-Official) : Sir, at this fag end of the day and fag end of the session I do not like to take up the time of the House ; but I feel it my duty to impress on this House and the Government a particular matter. In the speech which introduced this Resolution made by Mr. Das, he referred to the reply given by the Government that the prevention of floods was a provincial matter, and should be dealt with by Provincial Governments. I submit, Sir, that the Provincial Governments are not in a position either to make sufficient inquiry or to take effective measures for the prevention of floods. It has been said with justice that floods are becoming too numerous these days, and when they come my countrymen suffer by the hundreds.

[Maulvi Abul Kasem.]

The Provincial Governments cannot do it because a river passes through various provinces, and the steps that have to be taken for the prevention of floods have to be taken at the catchment area and not on the banks of the river. We cannot prevent the floods by embankments on both sides; it has to be done by control at the catchment area of all hill-fed rivers. But, Sir, the railways are to a very large extent responsible for these floods because they have waterways, culverts and bridges only where they are needed for the maintenance of the railway system, and they do not look into the condition of the other areas or of the agricultural population and see that the water passes freely. It has been clearly stated that the bed of the river has risen higher and the reason is that the flow has been obstructed by railways and by the irrigation canals that have been opened. I fully realise the importance of irrigation canals, but at the same time I think the natural channels and waterways should be maintained and should not be neglected. And, Sir, I may inform this House that, before the introduction of the Reforms, and before the Provincial Governments were entrusted with responsibilities, a big scheme of irrigation and prevention of flood was drawn up by the Government of India under the supervision of the Director General of Irrigation about the floods of the Damodar and two other big rivers in Bengal. A model was drawn up and much money, several lakhs, were spent on it, but immediately the Reforms came in, that was given up, because the Government of India said it was for the Provincial Governments to do it. The Government of Bihar and the Government of Bengal are the two Governments who are concerned with these schemes, and neither of them are taking any interest in the matter because their resources would not permit them and besides that, unless the Government of India move in the matter, the Provincial Governments can take no steps, and neither do their resources enable them to do so, and the railways are not under their control. Therefore I submit, Sir, this is a Resolution which affects the agricultural population. We have had enough of heroics and of politics; this proposition moved by my friend is a practical proposition to benefit the agricultural population and for the national welfare of the country, and I hope the Government will treat it sympathetically and not throw it out, as they usually do others.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): Sir, coming as I do from a flooded district, namely, the district of Burdwan, I think it will not be proper for me to record a silent vote in support of the Resolution moved by my friend Mr. Bhubanananda Das. Now, Sir, what has been the effect of the floods in my district and the adjoining district? The whole of my constituency is in the Burdwan district. If one takes the trouble to go through the districts of Burdwan and Howrah, he will see thousands of villages which have been devastated by these floods during the last 30 or 40 years. I remember in my younger days villages which used to yield harvests and where the peasantry was happy and contented, and the gentry had not to go out of their village but could maintain themselves in their own villages. Now when I pass through those devastated tracts, I find solitary houses left uninhabited by the people, and a few fields only here and there cultivated. This has been all due to the railway embankment by which the river Damodar has caused the right bank of the river to be devastated. So I think it is high time an inquiry was made and a committee appointed to investigate.

Kumar Ganganand Sinha (Bhagalpur, Purnea and the Santhal Parganas : Non-Muhammadan) : Sir, I would first support the Resolution and then briefly refer to my amendments as apparently they are of an explanatory character. Sir, it has been said in this House times out of number by almost every speaker who has preceded me that for the last few years we have noticed that floods are a matter of common occurrence. A heavy monsoon is always attended by floods in some part of the country or other. Look back upon the past three years. In the first year we had floods in Bengal, in the next we had heavy floods in Bihar, and yet in the third, this year, we have had very very heavy floods in Madras, not to speak of small areas all over the country that are visited by floods almost every season unless it happens to be a very dry one. Speaking for my own constituency, Sir, I must enlighten the House that a large part of the country drained by the Kosi and the Ganges is year after year suffering from floods for the last seven years. Other gentlemen who have preceded me have said that such is the case in their part of the country too, and I am sure those who will follow me will also bear testimony to this very fact by citing the example of their own part of the country ; and if all this information is put together I feel sure that it will go a great way to substantiate the urgency and the necessity of the adoption of the motion before the House.

Now, Sir, I need not tell the House what these floods mean to the country. Not only do untold miseries attend when floods visit the country but also when they go away they are followed by famine and pestilence, and further they are followed by financial embarrassment of the sufferers whom it takes years to regain their normal way of life which they lose by floods. Now, Sir, the Government gives them relief at the time of distress. I do not blame them for that ; but I must say that they do very little to mitigate the people's sufferings. They do very little to prevent the recurrence of these floods. The Central Government shift the burden on the Provincial Government and the Provincial Governments say they have no means to do anything. Here is my friend Mr. Gaya Prasad Sinha whose voluminous questions on floods are printed in the pages of the proceedings of this Assembly, and if you look at the replies given to him you will find that he has very often been referred back to the Bihar and Orissa Government. And here is the authoritative administrative account of the Bihar and Orissa Government entitled " Bihar and Orissa in 1923 ". I crave the indulgence of the House while I read a passage from this book which is pertinent to the question. At page 33 in the paragraph dealing with the effects of embankments on floods, it says :

" The problem, however, is one which it is not possible to solve completely by any local action. The only method by which floods can be completely controlled is by constructing retarding basins at a sufficient number of places in the upper reaches of rivers to enable a flood to be spread over a long period, which will allow the channels to carry off the drainage without overflowing their banks. The cost of this method of flood protection would be altogether prohibitive in a small province. Whatever action is taken in the lower reaches of a river can only be palliative. The channels of all rivers adjust themselves to carry the normal discharges, and any sudden increase above the normal can only be met either by continuous embankments or by allowing the rivers to spill over their banks. The construction of continuous embankments is attended by three dangers. The beds of embanked rivers tend to rise, owing to there being no exit for the sand brought down ; secondly, the intensity of flood flow down is increased, and lastly, when breaches do occur, the damage is much more serious than when the river is allowed to spill over its own banks. The solution of the problem, therefore, lies in the provision of adequate spill-ways and careful

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control over the construction of railway and private embankments likely to interfere with the natural drainage."

Where are the people to go ?

This Resolution, Sir, is a very modest one as it only wants an inquiry, the first step toward a scheme for the prevention of the occurrence of these floods. My amendments supply some of the details. My first amendment is that the following be inserted after the word " experts " :

" possessing special knowledge and experience of the physical features of the different parts of India."

The effect of the amendment is only to qualify the word " experts ". Experts may be brought from England having knowledge of the physical features of European countries but they cannot be of much use to us here ; and it is only proper that they should be qualified in such a way as to give us the right men for the work intended to be done.

My second amendment runs as follows : That the following be inserted after the words " all over India " :

" with special reference to Railway embankments."

There is a general feeling among the people, Sir, that railway embankments play an important part in bringing about such calamities. Government deny it. We ask for an inquiry to let us know where we are, and whether the suspicions of those who have no technical knowledge have any ground. For the technical wisdom of the amendment I rely on my Honourable friend, Mr. Bhubanananda Das, who is an engineer, and he says that I should not press this amendment for technical reasons. I accept his advice as that of an expert.

Further, I associate myself with the Mover of the Resolution and those who have followed him in asking the House to adopt the Resolution. I represent here millions of suffering humanity and I beseech the House on behalf of them to give unanimous support to the Resolution as amended by me. With these words I move my first amendment.

Mr. C. D. M. Hindley (Chief Commissioner, Railways) : Sir, I am rather sorry that my friend, Kumar Ganganand Sinha, has withdrawn his amendment which included in the Resolution special reference to railway embankments. Because of the withdrawal of that amendment I feel that I am rather out of place in dealing with this Resolution. I was hoping to be able to thank him for bringing in that reference so as to justify my standing up here on behalf of Government to deal with this Resolution. I suppose he would not like to move it now ?.....

Kumar Ganganand Sinha : I would like to have the statement of Government on that matter.

Mr. C. D. M. Hindley : I wish to say on behalf of Government, Sir, that the Resolution as placed on the paper is opposed not because Government have no sympathy with the objects of the mover of this Resolution. Government have the very greatest sympathy for the sufferers from these floods, regarding which we have heard so much during the last few weeks. I would like to say here, Sir, that I repudiate altogether the suggestion made by Mr. Bhubanananda Das that Members of the Government Benches here have no knowledge of the effects of floods on the country and on the people of India. Mr. Bhubanananda Das's picture of the Government sitting perenially on the heights of Simla, watching an occasional

trickle of stones down the sides of the hill and saying " I wonder how that has affected the people down below " is really rather ridiculous when it is applied to people like myself and other Members sitting on the Government Benches who have spent most of the working years of their lives among the people of India. I, Sir, have spent the best part of 25 years working on the plains of India and have never spent more than five or six days in any hill station until last year, and I do claim to speak with a certain amount of local knowledge—not only local knowledge but actual practical knowledge extending over a very large area in India, and I think extending over a considerably larger space both of time and of distance than the knowledge of Mr. Bhubanananda Das, my fellow engineer in this House. I am very glad to hear from Mr. Bhubanananda Das that he has studied the matter as an expert, but I can tell him that the engineer who has to build and maintain a railway embankment across country with difficult drainage problems gets to know intimately far more of the effects of embankments on the diversion of drainage than anyone can ascertain either by casual inspection of village fields or by reading text books.

I think, Sir, it is rather unfortunate that the Resolution is couched in such wide terms because there is apt to be considerable confusion of thought in dealing with such words as " floods ". This description, this word " floods " is applied indiscriminately to cases varying from a small interference with agricultural operations which may extend to the loss or impairment of a crop on the one hand, and at the other end of the scale to such vast cataclysms as that which occurred recently in South India, both on the west coast and on the east coast, and the terrible floods that have occurred on the borders of the Indus. There is really very little connection between these two classes of floods and it is extraordinarily difficult to connect together the vast range of natural phenomena which occur between these two limits. Primarily speaking, these floods, whether large or small, whether the damage is very great or comparatively negligible, primarily speaking, these may be put down to excessive rainfall. Now, I know that that is an expression which is very often scoffed at because people say " But, what is excessive rainfall " and then we turn to the figures given to us by the Meteorological Department and see that the average has been so much, the maximum has been so much and the minimum has been so much, during the last year, and the rainfall in question is greater than anything which has been recorded by our Meteorological Department. Well, so far as our experience goes, such a rainfall is an excessive rainfall and it leads us, I think, to this, that, with the comparatively limited knowledge of the history of rainfall we have in different parts of the country, we are to some extent limited in the measures which can be taken to foresee and to prevent the effects of rainfall far above the maximum which has ever been recorded. Until human knowledge and the result of observations is extended a great deal further, I think it will be agreed everywhere that it will be impossible to foresee, even with the very best arrangements which can be made by the Meteorological Department the effects of excessive rainfall. I am presuming that the Honourable Member in moving the Resolution does not intend to refer to such an extension of scientific activity as would lead us in the early future to understand how to predict, say, the course of a cyclone in the Bay of Bengal. That may seem at first sight to be rather far-fetched in regard to this matter, but is an instance of one of the causes of serious floods I should like just to refer, while speaking on this subject of excessive rainfall, to the disaster which occurred in the neighbourhood of Waltair and the southern districts

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of Orissa last year. That disaster, Sir, due, as far can possibly be ascertained, to the course of a cyclone which started somewhere in the centre of the Bay of Bengal and could be followed up, by the observations of the Meteorological Department, until it crossed the coast somewhere near Waltair. Its direction at the time of crossing the coast was known and it could be predicted to some extent where it would travel. Instead, however, of travelling in a straight line after causing very severe damage at Waltair and Vizianagram, it proceeded in a slightly northerly direction and remained in the neighbourhood of the hills lying to the north-west of Vizianagram for a considerable period for 12 or 15 hours—and during that time it gave an enormous amount of rainfall in those hills. As far as I can remember, there was no actual record because there was no station which recorded that particular rainfall. There was therefore no actual record of the amount that fell, but judging from the amount of water which came down the rivers along the coast there, it must have been a most abnormal rainfall. Those rivers which lead from the hills to the sea across a fairly flat piece of country became flooded and in the course of a few hours the floods spread out over the banks of the rivers and the whole country was inundated on a front of something like 50 miles. The floods near the coast came in contact with the railway embankment. Now, Sir, looking at that picture of the hills in the background and the flat piece of country running down to the sea, looking at it on a proper scale, you can see that the railway embankment was a mere thread across the country and it had practically no effect at all upon the onward march of the flood. As a matter of fact, the railway embankment was almost destroyed for a distance of between 80 and 100 miles. I am giving that as an instance of the impossibility of being able to guard aganist or prevent floods which are quite obviously due to excessive rainfall.

Now, Sir, as Mr. Abul Kasem has pointed out, the effect of rainfall on localities depends very largely on the amount of rain which falls in what he called the catchment area. I gather what he meant was that there may be comparatively small rainfall at the place where you are living at the time, but owing to very excessive rainfall elsewhere, you may come in for the serious effects of flooding. Those members of this House, Sir, who come from the South of India will understand what I mean when I refer to the floods which recently occurred in the Tanjore district and round about Trichinopoly. The rain which caused those floods fell primarily in the Anamalai Hills, the Palni Hills and the hills lying to the west of the Presidency, somewhere between 150 to 200 miles away from the place where the damage occurred. I am mentioning this as one of the causes of floods and as illustrating the extraordinary difficulty of ascertaining accurately what the causes of floods are. Another instance which again brings me to Mr. Abul Kasem's mention of catchment areas would be the recent floods in the Muzaffargarh district in the Punjab, where I have read that the Indus rose to a height of something like 50 feet above its normal level. Now, where did that water come from ? If Mr. Abul Kasem's contention is correct, the authority which controls the catchment area should take care that these floods do not occur by providing impounding works and seeing that the flood is properly regulated. I do not know, Sir, whether the authority which controls the sources of the Indus would be likely to meet the requirements of the case by coming to an amicable financial arrangement with this House with regard to the cost of such works.

Now, Sir, I have dealt with one of the many causes of floods, namely, excessive rainfall. There is another cause which I think Mr. Bhubanananda Das perhaps will understand, but I am rather doubtful if any other Members of this House will readily follow me as far as I should like to go. In the first place, there are known to be gradual changes in the beds of rivers from time to time and extending over very long periods for which so far we have very little definite scientific explanation. We know from observations that silting takes place and a gradual change of the course of the river takes place through obscure causes. A study of large scale survey maps from the earliest times down to the present day would give Mr. Bhubanananda Das a very interesting amount of information with regard to these changes. There are, for instance, marked on the survey maps such things as the old bed of the Ghaggar or Hakra in the south of the Punjab. Can any one readily explain why there sould be an old deserted bed of a river running right across a stretch of country which but for the operations of the Irrigation Department would be an arid plain. This particular case has nothing to do with the advent of what is called the British rule in India ! Such old river beds exist in various parts of the country and I am not sufficiently acquainted with geology to know their exact origin, but they indicate how the rivers as we now know them used to run in one period of their history and we cannot predict how they are going to move in the course of, say, 30 or 40 years. Every one who has lived near one of the larger rivers of India will know that there are cases where rivers have changed their course unexpectedly and with very serious losses to localities. I know one case myself in the Monghyr district where the Ganges as shown on the earliest maps available was something like 16 miles north of the point where it runs now. No railway embankment, no canal embankment, no road, not even the District Board road, is going to interfere with the course of the Ganges. The Ganges at that point in the monsoon is sometimes as much as 13 miles wide and of unknown depth and no human agency is going to interfere with it.

At that particular place I speak of it has changed its course during the last 70 or 80 years from a position 16 miles north of its present position to its present course. These great changes of the great waterways of India result possibly from changes beneath the surface of the earth and are things which no human agency can affect. In regard to silting up and changing of courses of rivers, of course as Mr. Bhubanananda Das will remember a very large amount of scientific work has been done to ascertain the causes of changes. As an illustration of one of these changes occurring which might quite easily have been considered by the local inhabitants to be due to the existence of a railway bank, I would like to mention a case where I had under my own charge a railway line running across an island between two branches of a very large river. Over the two branches of that river we had bridges of something like half a mile in length. It was a very large river indeed, dry most of the year but a raging torrent during the rains. The river bifurcated five miles above the railway and went down through these two bridges, the bridges being ample to carry all the water that came down year after year. In the centre of this island, there was a small flourishing village. One year for no reason that I could ascertain—Mr. Bhubanananda Das might possibly have ascertained it—the river took it into its head to run down the centre of this island. It washed away the village. It burst through the railway embankment between the two bridges and caused a very great deal of destruction to cultivated land. That is a case where

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the people in the locality would undoubtedly consider that the railway embankment was much more to blame for their disaster than the hand of God.

Now, Sir, I wish to refer to one or two other natural causes of floods and these will interest Mr. Gaya Prasad Singh and those who come from the province of Bihar and Orissa and feel so acutely with regard to the shortcomings of the Bengal and North Western Railway. There are cases, and many cases, where there are what we call confluences of large rivers. There are the Gogra, the Kosi, the Gandak, and many others which run into the Ganges and form confluences, that is to say, the running together of two rivers. Now the piece of country between two rivers at a confluence is every year flooded. Whether there is a railway embankment or not, for generations that piece of country between two rivers must have been flooded. The flood is sometimes higher on one side and sometimes higher on the other depending on the amount of water coming down one river or the other river. One of the particular cases which Mr. Gaya Prasad Singh has most persistently questioned me about was the case of a railway embankment, a very high railway embankment, running along a watershed between two rivers forming a confluence. That, if I have made myself clear, will indicate the difficulties of dealing with a problem of the kind which he has referred to. He complains that the country is flooded on both sides of the embankment and sometimes more on one side than on the other. Now the country in that particular place would be flooded in any case. If the Ganges gets the better of the other river and spills over into the area of the other river and similarly if the Bur Gandak spills over towards the Ganges, that is to say, has to bring down more water than the Ganges is bringing down, then it will certainly spill over the intermediate country and cause floods. The railway embankment has been placed on the most suitable line between these two rivers and although there may be a difference of level between the water on one side and on the other, the presence of the embankment is generally to the benefit of some of the landholders for the water is held back to its natural area rather than allowed to flow across the country. Now Sir, we come to artificial causes. I have mentioned several of the natural causes which we are quite unable to control. I would now just refer briefly to artificial interferences. First of all, Sir, I think it is not generally recognized that agricultural operations themselves do interfere very largely with the flow of water acrosss the country. Those Members of this House who come from rice-growing countries will know that interference with natural drainage is of the very essence of the most elementary forms of agriculture. The man who has to divert and direct the water into his rice field is interfering with natural drainage. He gets water where he can, and instead of leaving it to flow by its natural watercourse into a river and so sweetly on to the sea, as Mr. Bhubanananda Das desires, he stops it on the way and uses it for growing his rice. Incidentally he uses it for breeding mosquitoes.

And this brings me to Dr. Bentley. Now Dr. Bentley has written a good many pamphlets and propounded very emphatic views that railway embankments are the cause of poverty and distress and malaria in Bengal. I have never been able to understand on what lines of reasoning Dr. Bentley,

who is a public health officer, not an engineer, has arrived at this conclusion. I can only imagine that his mind worked in the same kind of logical way as it did when he propounded the theory which he considered to be a certainty that on the opening of the Panama Canal India was to be infected with yellow fever. He raised the battle cry in Bengal against the stegomya mosquito and the Government of Bengal was very nearly pushed into carrying out an enormously expensive campaign against this poor little insect, millions and millions of whom inhabit peacefully the rice-fields of Bengal. The little stegomya mosquito, according to Dr. Bentley, if it once got infected by yellow fever brought by ships coming through the Panama Canal, would spread yellow fever all over India, and that, said Dr. Bentley, would be the end of British rule in India. I do not know whether my friends on the opposite side of the House have considered this as a possible course for their future activities. So much for Dr. Bentley. Agricultural operations interfere with drainage from the work of the agriculturist on his rice-field to the work carried out by the Punjab irrigation engineers which interfere with the natural flow of the water down the five rivers of the Punjab, much to Mr. Das's sorrow because the water cannot go on flowing down to the sea. It is taken off in canals and used for irrigation purposes with fairly satisfactory results. That also is an interference with natural drainage. The other causes of interference with natural drainage we come to now are road embankments, canal works and my own particular subject, railway embankments. Now, Sir, I can well understand and have always understood with a good deal of sympathy the feeling that railway embankments do interfere to some extent with natural drainage. But I do think it is necessary for me to explain quite clearly that from the very earliest times of railway construction the very greatest care has been taken by construction engineers to secure that as far as possible natural drainage shall not be interfered with. It is assumed sometimes that the interests of railways and the interests of agriculturists are not the same. I would like to point out that they are very much the same. If a flood occurs which can damage fields and villages, it is also going to damage the railway. The greatest danger that a railway can have is a flood that may carry away an embankment or root up a bridge. Some of the most terrible accidents that have occurred have been due to this cause. Now the very greatest precautions therefore and the utmost scientific care is taken to see that adequate waterway is provided when a railway is constructed. I do not think that I need read the section, but it is the custom in this House to get an Act and read a section out of it. But I will content myself with saying that section 11 of the Railway Act makes it incumbent on a railway administration to make and maintain the necessary accommodation works for waterways and other public requirements. In connection with that, I would like to explain the actual procedure which is gone through when a new railway has to be constructed. At the time of the survey, the engineer who surveys the line has very strict instructions that as soon as he has decided on the waterways in the embankment which he is going to recommend, the whole of the scheme, the plans, sections and all his calculations, are to be submitted to the Local Government and the Local Government is asked to send any remarks it has to make to the Railway Board. The Railway Board, therefore, always has available the opinion of the Local Government, which no doubt consults its local officers, before deciding finally on the waterways which are to be allowed to be made in the railway. That, Sir, to my knowledge, is a live matter and a matter which Local Governments do

[Mr. C. D. M. Hindley.]

not overlook; particularly in provinces where they have a highly developed Public Works Department and have engineers who can study these projects. We in fact usually have a considerable amount of discussion and argument before finally settling in concert with the Local Government the amount of waterways to be provided.

I do not think it would be quite fair for me to take the House into the lengthy calculations which are gone through by an engineer when he has to construct a bridge in order to ascertain the amount of waterway to be allowed. Mr. Bhubanananda Das probably knows the formulae. We have laid down for many years past in our instructions to engineers making surveys the exact amount of detailed information which shall be obtained at the time of making the survey, in order that the calculations for the waterway shall be as accurate as possible. We have, therefore, the first stage when the engineer makes the survey and makes his calculations, the second stage when the Local Government and the local officers are consulted as to the amount of waterway required and we have a third stage as well. Before the line is actually opened for traffic the Senior Government Inspector satisfies himself and satisfies the Railway Board that the amount of waterways provided are sufficient for public safety. That, Sir, is the actual procedure which indicates that the matter is not haphazard and that the railways are not driven with a sledge hammer force, as I think an Honourable Member has suggested, across the face of the country without reference to natural drainage. I should like again to refer before I come to my last point to the Local Government's position in the matter. It is not correct to say that Local Governments have no redress and are unable to move the Government of India to effect improvements where improvements are indicated in the waterways. There have been many cases in recent years where Local Governments themselves have held inquiries as to the sufficiency of waterways in particular districts, and in such cases the Government of India have generally at the same time appointed either a Committee or a special officer to inquire into the matter and to submit a technical report on the particular case at issue. In fact, wherever a *prima facie* case of inadequate waterway is made by the Local Government to the Central Government, I may say that the Railway Board make local investigations at once by expert engineers. I would refer to certain cases of this kind probably within the memory of some Members of this House, to the investigation made by Sir Robert Gales in 1917 on floods at Manse-Pasraha on the Bengal and North Western Railway, to the Committee which was appointed by the Government of India in 1921 on the flood damages near Amroha and to the investigation made by Rai Bahadur Ralla Ram on the Northern Bengal floods in 1922. That, I think, Sir, meets the point which Mr. Bhubanananda Das made when he indicated that no action can be taken by the Local Governments to induce the Central Government to look into these matters.

Now, Sir, I come to my last point. My friends who have moved and supported this Resolution will want me to say, if we do not agree to appoint a Committee, what steps we propose to take. My view and the view of the Government is that where cases occur and where there is a local feeling that a railway embankment or a road embankment or any other work designed by the hand of man are interfering with natural drainage causing damage to land and danger to the lives of the people, then it is the

business of the Local Governments primarily to take up the investigation. This is a very large subject if it is looked at from the point of view of the whole of India. It is a very large and very important and very serious subject. But it is primarily the duty of the Local Governments to look after the rights and property of the people. And it is the Local Governments who should institute an investigation in the first instance. It is not a matter in which we wish to throw the responsibility on to somebody else. Under the constitution it is one of the functions of the Local Governments and it is their duty and it is a duty which they would not wish to evade. Now, with regard to our connection with this matter, that is to say, where railway embankments affect drainage, we are perfectly willing at any time to assist Local Governments in their inquiries by lending them special officers and engineers and by appointing a committee. We are perfectly willing to investigate any case which is brought to our notice by the Local Governments, and there I think the duty of the Central Government as regards investigation really ends. The duty of investigation and examination lies first with the Local Governments and only secondarily with us. We are perfectly willing by means of our expert officers to assist in arriving at proper decisions as to any alterations that may be necessary. I gathered from some remarks which fell from the Honourable Members who spoke in favour of this Resolution, that they expected to have very serious opposition from the Government in regard to this Resolution. I do not however in the least object to this matter having been brought forward. In fact, I very much welcome the opportunity that it has given to the Members of this House to let us know what they think about the subject and also the opportunity it has given to me of letting those Members know what I think about it. It has been a useful discussion. I hope my friend who moved this Resolution will agree with me that I have to some extent established the case for the care with which the Government and the Railways deal with these matters when they are brought to their notice. I would like to suggest that the matter be left with us for the present and we will look into it generally to see whether it is necessary to address Local Governments, with an invitation that we should assist them in any particular case in which they may be concerned. I am perfectly willing to do that and suggest that if those gentlemen who have moved and supported this Resolution have sufficient confidence in me to leave the matter where it is, they might perhaps withdraw their Resolution.

Diwan Bahadur M. Ramachandra Rao (Godavari *cum* Kistna : Non-Muhammadan Rural) : Sir, the Honourable the Chief Commissioner for Railways has made a most interesting and instructive address to us both on the natural and artificial causes of floods.

With regard to this matter the Honourable Member proceeded to state that the removal of the causes of floods is essentially a matter for Local Governments, and that the Government of India would be willing, when a case was brought to their notice, to investigate the case lending their officers, and to take such other steps as may be necessary to remove the grievances of the people in this respect. I think, Sir, that the two departments that are concerned in the matter are the Public Works, and the Railway Department.

In regard to the first of these departments, it is clear that irrigation is a provincial subject, and to the extent that floods are caused by deficiency of proper drainage arrangements, this matter is within the sphere of the local administrations, but to the extent to which floods

[Diwan Bahadur M. Ramachandra Rao.]

are caused by defects in railway embankments, it seems to me that it is essentially the duty of the Government of India to take measures to prevent them.

The Honourable Member very rightly pointed out that under section 11 of the Railway Act accommodation works have to be provided for. May I point out to him that under section 7 enormous powers have been given to railway administrations and to railway companies for the purpose of altering the courses of rivers, streams, water-courses, etc., for the purpose of providing tunnels, bridges, passages, etc., and to divert and alter the course of rivers, streams, etc. It is true that this provision has been made for accommodation works under section 11, but I would like to point out that many of the railways in the country were constructed by Government several years ago when there was no public opinion in the country, and the provision of accommodation works and suitable wentways had been altogether inadequate. I cannot cross swords with an expert like Mr. Hindley as regards what provision should have been made for the drainage of the country ; but there is no doubt that the general feeling throughout the country is that the railway companies as well as the Government of India have not made sufficient provision for drainage.

The Honourable Member made some reference to-day to the floods that occurred in the northern districts of the Madras Presidency. I believe that the Government, when they restored the line again, went to considerable expense to provide additional culverts for passing the drainage of the country across the Railway embankments. May I ask the Honourable Member if I am right.

Mr. C. D. M. Hindley : That is correct. Certain additional waterways have been made.

Diwan Bahadur M. Ramachandra Rao : That is exactly my point. The East Coast Railway was constructed in 1892. Many other lines were constructed several years ago. Our contention is that sufficient consideration has not been shown in the way of providing adequate waterways across the railway lines.

The Honourable Member then proceeded to refer to Dr. Bentley. Dr. Bentley is an expert and my friend is an expert and each is wedded to his own theory. I knew Dr. Bentley years ago. I met him at one of the All-India conferences.

I may also point out, Sir, that there was another gentleman, who was the editor of one of the most influential newspapers, Mr. Motilal Ghose, who as a delegate to one of these All-India Conferences, traced the present position in Bengal in regard to malaria mostly to want of insufficient provision for the drainage of the country. I wish the Honourable Mr. Hindley would peruse some of those papers because Mr. Motilal Ghose was not an expert, nor was he wedded very much to the mosquito theory. But however, so far as the general feeling is concerned, it is thought that the railway companies as well as the Government of India were more intent to have their schemes put through as cheaply as possible and very very little consideration was shown to the people who are affected. Speaking from memory, I think there are adequate provisions in the English Railways Act which require that, when any big scheme for the construction of a railway

is made, the scheme has to be published in the locality and objections invited. That is a statutory provision for the protection of the people. May I ask if there is anything in the Indian Railways Act to protect the people who are affected by alteration in the course of rivers and streams ? There is no statutory provision either for publication or for invitation of objections. Sir, I feel that the railways are very influential corporations, and the Government of India and the railway administrations have had it all their own way hitherto and we believe that much of this present trouble is due to insufficient attention to the drainage needs of the country. Sir, my Honourable friend would find considerable support for what we have urged. I therefore think that this matter should be sympathetically considered. I am not at all satisfied with the reply the Honourable Member has made that the matter should be left entirely in his own hands. We have confidence in him, but there is this question which we have to face, that floods have occurred in various parts of the country, and there is this volume of opinion that a portion of this is due to artificial causes which can be removed by the provision of suitable waterways. I only wish to say one word with reference to the floods in the South of India. I see the Honourable Mr. Hindley's theory is that there was a good deal of rainfall in the Anamalai hills and that the floods which resulted in three or four districts is due entirely to this excessive rainfall on the Anamalais.....

Mr. C. D. M. Hindley : I did not say " entirely." I do not know my geography of Southern India as well as the Honourable Member does, but I believe some of the branches of the Cauvery river start from the Anamalai hills.

Diwan Bahadur M. Ramachandra Rao : My remarks with regard to the general cause of floods apply equally to Southern India, and I do not know that the South Indian Railway constructed its waterways with such consideration for the people and their requirements that it should be taken out of the general remarks I have just made. I believe Sir, it is very necessary, at any rate at the present, to call for some information as regards the causes of these floods, and then to undertake investigations in various parts of the country where these floods have occurred and if the railway administration, as we contend, is responsible. Some portion of the very ample funds in the hands of the Railway administrations should be devoted to providing additional waterways for carrying off the drainage of the country.

The Honourable Mr. A. C. Chatterjee (Industries Member) : Sir, I do not happen to be an engineer like the Honourable Mr. Hindley or the Honourable Mr. Das, but unfortunately for the House I am at the present moment in charge of Irrigation and Roads and Buildings so far as the Central Government's functions extend in those directions. The debate has been an exceedingly useful one, and personally speaking I am very glad indeed that a subject of this description has engaged the attention of this House.

As the Honourable Mr. Hindley has already stated, Government are in great sympathy with the object of the Resolution. He has also explained that it is not much use appointing one committee to go into the causation of floods all over the country. I do not think a committee of that nature will terminate its labours for the next 25 years and in the meantime a great many floods will occur and will remain unremedied. Mr.

[Mr. A. C. Chatterjee.]

Hindley has given the assurance that the matter will engage the attention of Government. I would add this much, that we shall communicate with Local Governments. After all, as Mr. Hindley has pointed out, it is the Local Governments who are primarily interested in the matter, and unless they make the first move it is very difficult for the Government of India to find out where floods have actually occurred, and where special investigations are necessary. We do not disclaim responsibility for any damage that may have been occasioned by railway embankments. If we suggest that the Local Governments should first move in the matter, it is not in order to disclaim responsibility on the part of the Government of India in cases where the damage has been occasioned by railways. My Honourable friend Mr. Ramachandra Rao has admitted that so far as irrigation is concerned it is the concern of Local Governments. I may in passing mention with reference to what fell from Mr. Amarnath Dutt and Mr. Abul Kasem that the Damodar and the Ajai projects in Bengal had been initiated by the Government of Bengal and not by the Government of India, and it was the Bengal Government which abandoned those projects and not the Government of India. The remedy of both Mr. Abul Kasem and Mr. Amarnath Dutt is in the Bengal Legislative Council and not here. Mr. Ramachandra Rao seemed to suggest that the people who built the railways in the early days did not really take much interest in the welfare of the country through which the railways passed. I do not think that that is a very fair assumption because after all the railways live on the prosperity of the country, apart from the fact that if there is a heavy flood and the railways are breached the railways themselves sustain very heavy pecuniary loss. I do not wish to detain the House. I think we have given enough assurances to satisfy the House that the matter is receiving the attention of the Government and will continue to engage the attention of the Central Government in consultation with Provincial Governments. In view of these assurances, I hope that after this very useful discussion the motion will be withdrawn.

Mr. Bhubanananda Das : Sir, I am glad that the debate on the Government side was led by such an eminent engineer like the Honourable Mr. Hindley. I wish Mr. Hindley had not been so very partial to his own subject of railways and had not forgotton other artificial causes of floods like the canals and roadways. I wish also that his observations had not been so much blurred by political considerations. However, I am glad to have the assurance given by my Honourable friend Mr. Chatterjee, that the Government will investigate into the causes of floods. I maintain that such investigations as this inquiry must be undertaken by the Central Government and not by the Provincial Governments. I desire co-ordination of work between all the Provincial Governments and the Central Government. Provincial Governments generally are henpecked by the Central Government and the Central Government's engineers (*The Honourable Sir Basil Blackett* : "What about the provincial contributions ?") boss over the Provincial Government engineers ; so naturally the Government engineers in the Provinces and the Provincial Governments cannot look after the welfare of the agricultural population unless the Central Government, who look after the interests of the whole of India, institute such an inquiry—whether by a departmental committee or by an outside committee matters little. However, I am glad of the assurances given by the two

Honourable Members on the Government side and I hope they will keep this subject in view and not let it drop. With these remarks I beg leave to withdraw my Resolution.

The Resolution was, by leave of the Assembly withdrawn.

Mr. President : I have to acquaint the Assembly that the Select Committee on the Soldiers Litigation Bill which has been set down for to-morrow at 12 noon is now postponed until further notice, which I presume will be some date in winter.

RESULT OF THE ELECTION TO THE STANDING FINANCE COMMITTEE FOR RAILWAYS.

Mr. President : I am in a position, contrary to expectation, to announce the result of the election to the Standing Finance Committee for Railways ;

Sir Purshotamdas Thakurdas,
Maulvi Abul Kasem,
Mr. M. S. Aney,
Mr. W. S. J. Willson.
Mr. V. J. Patel,
Mr. Darcy Lindsay,
Sir P. S. Sivaswamy Aiyer,
Maulvi M. Samiullah Khan,
Mr. K. C. Neogy,
Mr. Jamnadas M. Metha, and
Mr. K. Rama Aiyangar.

MESSAGE FROM H. E. THE VICEROY PROROGUING THE SESSION.

Mr. President : Message from His Excellency the Governor General :

(The Members of the Assembly stood during the reading of the Message.)

" In pursuance of sub-section (2) of section 63D of the Government of India Act, I, Rufus Daniel, Earl of Reading, hereby prorogue the Session of the Legislative Assembly on the conclusion of its business on Wednesday, the 24th of September, 1924."

SIMLA : (Sd.) READING,

The 22nd September, 1924. *Viceroy and Governor General."*

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